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ABSTRACT

The document offers guidelines to states regarding review and revision of child care statutes, standards, and policies to address the prevention of child sexual abuse in day care facilities. General information is also provided on changes in state standards in recent years. Each of six sections examines findings of the 1981 Comparative Licensing study and reports results of the Department's review in 1984 of all current and some proposed state licensing standards and registration requirements. The following areas are addressed: parent visitation and other parent participation (the role of parents in preventing child sexual abuse); employment history checks of staff and other background screening (criminal records checks, FBI checks); staff qualification requirments by job classification; probationary periods for new staff; staff training, development, supervision and evaluation; and staff-child ratios. Appendixes include summaries of qualifications by job classification and of staff-child ratio requirements. (CL)

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DEPARTMENT OF HEALTH & HUMAN SERVICES

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Model Child Care Standards Act - Guidance to States to Prevent Child Abuse in Day Care Facilities January, 1985

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MODEL CHILD CARE STANDARDS ACT - GUIDANCE TO STATES TO PREVENT CHILD ABUSE IN DAY CARE FACILITIES

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANUARY, 1985

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THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

FOREWORD

From whispers to whirlwind.

Those four words describe the 1984 journey - in the American public consciousness - of child abuse.

Though we have not yet been able to gauge its exact magnitude, child abuse is a serious and a national problem. The whirlwind is not a will-o-the-wisp.

One abused American youngster is one too many.

Day care facilities have now become an integral part of the environmental and educational world of millions of young American children. Since government registers, licenses, supervises and monitors day care facilities, all of us in government have a vital guardianship role to perform. Our vigilence can make a difference.

The first line of defense against child abuse is, as always, alert, involved parents. But the overwhelming majority of honorable day care providers and involved government officials also have a constructive role to play. Speedy and sure implementation of the following proposals can do much to prevent child abuse in day care.

The counsel, suggestions, and guidance which follow have been compiled to help States and municipalities as they review and revise their licensing, registration, and policing procedures.

We, especially, encourage State day care licensing authorities to require:

-- intensive background screening, including fingerprint checks, reference checks and employment history checks, for potential employees of day care facilities.

-- probationary periods for new child care employees during which further background investigations and on-site evaluations should take place.

-- an "open door" policy at day care facilities so that parents can visit their children at any time. Unannounced.

-- increased training of child care workers to hone their skills in the prevention, detection and reporting of child abuse.

-- community education efforts which candidly alert parents, children and the general public to the dangers of child abuse.

Every step should be taken to more actively involve parents in their children's day care program.

Many centuries ago a "Children's Crusade" failed in its mission. This crusade for our children will not fail if all of us pool our time, talent, determination and persistence in a sustained effort to banish child abuse from our society.

Margaret M. Heckler
Secretary

I. INTRODUCTION

INTRODUCTION

Congressional Action

In response to growing public concern about reports of sexual abuse of children in day care facilities, the Congress enacted several legislative provisions relating to the prevention of child abuse in day care facilities. These provisions were contained in Public Law 98-473, the Continuing Appropriations Act for Fiscal Year 1985, which became effective on October 12, 1984.

Public Law 98-473 made available to the States in fiscal year 1985 an additional $25 million under Title XX of the Social Security Act for:

> "training and retraining (including training in the prevention of child abuse in child care settings) to providers of licensed or registered child care services, operators and staffs,...State licensing and enforcement officials, and parents."

The same legislation requires States that use these funds to establish, by law or regulation, procedures to provide for employment history and background checks, and nationwide criminal record checks for all operators and employees of child care facilities and others who deal directly with children. These procedures must be established by September 30, 1985. (See page 2089 of the January 15, 1985 Federal Register for the Department's announcement on the training provision.)

Finally, P.L. 98-473 directed that three months after enactment of the statute the Department of Health and Human Services provide guidance to the States in using Title XX funds by drafting and distributing to them, for their consideration, a Model Child Care Standards Act containing minimum licensing or registration standards for day care centers, family day care homes and group day care homes in the following content areas:

i. training, development, supervision and evaluation of staff;

ii. staff qualification requirements, by job classification;

iii. staff-child ratios;

iv. probation periods for new staff;

v. employment history checks for staff; and

vi. parent visitation.

Departmental Guidance

The Department shares the concern of Congress about child sexual abuse in day care facilities and in response to the requirement in P.L. 98-473 undertook a review of current State child care licensing standards and registration requirements. The review analyzed State standards/requirements in the six content areas that Congress identified, and examined the specific requirements relevant to preventing child sexual abuse in day care facilities. The Department's study showed that, although all States regulate some type of day care facilities, there is wide diversity among the States in the content o their licensing standards and registration requirements as well as the types and sizes of facilities they regulate. This diversity reflects the differences among the States in population, resources, laws and approaches to regulation and child care.

Further, there exists no consensus among parents, caregivers, State and local officials, child development experts, researchers or Federal legislators and administrators on what would constitute an effective and workable uniform national set of standards for child care in this country. The Department issued model State child care standards more than ten years ago which dealt primarily with child development issues and these have been adopted on a selective basis by States. Similarly, there are also available for use by States more current model standards developed by various child care organizations.1/

What exists today is a wide variety of types of day care and a very diverse need for child care among the States. Against this backdrop no single set of standards can be applied practically to all the unique child care situations found among the States. The Department considers it infeasible to formulate a Model Act in the form of a single set of standards that it could responsibly put forward as one that all States should follow in regulating the various child care settings in the States.

This document provides States with regulatory options since it describes a range of possible standards that States can adopt. It is based on a review of all State requirements for the six content areas set forth by Congress and which are included in

1/ Two of these standards are included in the appendices. See Appendix A for the Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs, a division of the National Association for the Education of Young Children. See Appendix B for the Standards for Day Care Service of the Child Welfare League of America. Their inclusion in this document does not represent an endorsement of the specifics in each document. Rather, they are included for the consideration of those States that are seeking additional reference material as they revise their current child care statutes and standards.

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the specific State standards for day care centers, family day care homes, and group homes. Wherever State standards address the subject of child abuse specifically, such information is included in this document.

This guidance document is provided for the consideration of each State as it reviews and revises its child care statutes, standards and policies to address the prevention of child sexual abuse in day care facilities. The Department believes that the information provided in this document will be a valuable resource to State legislators and administrators as well as local officials and parents as they grapple with the problems of child abuse prevention. Wherever possible, we have tried to provide references to States from whom we obtained specific information to facilitate discussion among State officials.2/

Sources of Information

Staff of the Department of Health and Human Services used a variety of sources in developing this guidance. A major source of information on State licensing standards was the 1981 Comparative Licensing Study (CLS) prepared under contract to the Department's Administration for Children, Youth and Families. The CLS included data on laws and regulations governing the licensing/registration of day care centers, family day care homes and group day care homes. It is the most recent in-depth Federal Study of all State child care standards and requirements.

A large number of States have issued revised licensing standards and registration requirements since the CLS collected and analyzed State data. Accordingly, in November 1984, in order to prepare this document, the Department asked all States to submit a copy of their latest day care standards/requirements for each regulated category of facility: centers, family homes and group homes. The Department received the standards/requirements for day care centers and family day care homes from all 50 States, the District of Columbia (D.C.), and New York City. Twenty-three States which regulate group day care homes also submitted copies of their requirements.

2/ State officials that shared drafts of proposed standards, asked that their States not be named, but agreed that the Department could use the content of their proposals.

In December 1984, each State's standards/requirements were analyzed and summarized according to the key content areas defined by Congress. In addition, drafts of proposed child care standards/requirements now in the process of development and promulgation in several States were analyzed. One State and one city also transmitted for our review drafts of special reports based on investigative studies of abuse in licensed child care facilities.

The Department wishes to acknowledge the high level of cooperation it received from State licensing agencies. They provided the information requested on very short notice and explained some of the proposed changes being considered in their States in response to reports of child abuse in day care.

While concentrating on a review of State standards, the Department also examined a number of other key documents. These included several documents concerning child abuse, major studies on child care, recent Congressional testimony, and a number of local reports on child abuse in day care facilities.

Another significant resource was a draft report of the recently-completed National Program Inspection on Preventing Sexual Abuse in Day Care Programs. This report was based on a study conducted in November, 1984 by the Department's Office of Inspector General to provide information to the Secretary and the Under Secretary on child sexual abuse in day care programs.

The Problem and Solutions in Perspective

Before presenting the findings of the Department's review and analysis, it is necessary to consider the problem of child abuse in day care that prompted Congressional action. It is also important to put the problem and the various solutions in perspective.

In 1984, allegations of sexual abuse of children in day care facilities began surfacing in several parts of the country. Although most of the reports involved isolated incidents in relatively few day care facilities, increased attention led to new disclosures. While this increase in reporting of abuse is a legitimate cause for concern, it may not mean that sexual abuse in child care facilities is actually on the rise. Although there is no definitive information on the number of children sexually abused in day care facilities, our very limited evidence indicates that of the children who are reported as sexually abused, relatively few are abused in day care.

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Even though the incidence of child sexual abuse in day care facilities may be low, any abuse is of serious concern. When it does occur, the public as well as the parents involved are legitimately outraged and demand appropriate preventive measures.

State and local standards and policies affecting the regulation of day care facilities can effectively address the prevention of child abuse only to a limited degree. Since much of day care is provided in types of arrangements which are neither licensed nor registered (e.g., in the child's own home), it is clear that regulations alone cannot prevent child abuse. Furthermore, regulating can also bring with it significant costs and burdens. Excessive regulation can discourage interested persons and organizations from providing this much-needed service and result in unnecessarily constraining the supply of child care. For example, while criminal checks can deter job applications by potential abusers, they can also discourage dedicated and caring individuals from entering the child care profession, especially if those checks require long delays before employment. Ultimately, the costs of regulating will be borne by the consumer or the taxpayer.

This is not to say that States should not improve their standards/requirements to prevent child abuse in day care facilities, but to point out that benefits and costs must be carefully weighed. Non-regulatory solutions should also be sought. Such solutions include educating parents, staff, and children about child abuse, and training parents about the selection of appropriate, safe child care. The Department recognizes that ultimately, it is parental concern and vigilance that is the most potent force in preventing child sexual abuse in day care facilities.

Summary and Discussion of Findings

States vary widely, not only in their child care requirements, but also in the kinds of care they regulate, in their definitions of the types of child care and in the procedures and structure of their enforcement systems. All States have some requirements for day care centers, although such centers may be variously defined by the number of children in care, by physical setting, or by a combination of these and other criteria. Moreover, some States have different standards or requirements for publicly supported day care than for totally private facilities.3/ Most States exempt church-run centers and educational facilities from regulation.

3/ For example, Louisiana's standards for day care centers regulate only publicly funded facilities.

Family day care is generally provided in the caregiver's own home and varies in the permissible number of children enrolled depending on the State's definition. It should be noted that family day care providers must meet some requirements in all States.[4/] However, the decisions about what types of care to regulate and whether to regulate through licensing standards or registration requirements are dependent on a number of factors including the desire or ability of the State to enforce such requirements.[5/] There is a recognition by State and local officials that over 90 per cent of family day care is unregulated, even where it is illegal to operate without State or local sanction. The issuance of unduly burdensome requirements for family day care can result in increasing the number of unregulated facilities because providers will choose not to identify themselves in order to avoid those requirements.

Group day care is also generally provided in a caregiver's own home but these facilities serve more children than family day care homes and employ more than one caregiver. Only twenty-three States have requirements/standards for this type of day care facility.

Neither in-home care, which is provided by a caregiver that comes to the child's home, nor the informal care of a few children provided by a friend or relative are usually subject to State or local requirements. These types of care are not addressed in this guidance document since the Congress directed the Department to examine child care provided by centers and family/group homes.

For child care that is licensed or registered at the State level, the Department's review has found that there are often some requirements in the standards that can help to prevent child abuse. There are no requirements, however, that will guarantee that abuse does not occur and for most requirements there are both positive and negative considerations. In addition, coordination between various State and local agencies, State enforcement capacity, and many other variables must be part of any decision about appropriate revisions to child care

4/ Arizona, Louisiana, New Jersey, Ohio, and West Virginia's standards regulate only family home providers receiving State and/or Federal funds.

5/ The majority of States license family homes, but many register these types of day care facilities. A few States that license family homes have voluntary licensing. For those States that register, many have mandatory registration, but some have voluntary registration. A few States both license and register family homes, using different criteria.

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requirements. No one set of day care requirements could possibly reflect and meet the needs of the wide variety of child care situations represented in all States and local communities.

Parents, using all types of child care facilities, have the primary responsibility for the day care situation in which their child is placed and must form the first line of defense to abuse. State and local regulations should not be relied on exclusively to prevent child sexual abuse. Even in regulated care, it is parents who must play the most active part in child abuse prevention. The Department urges State and local governments to consider effective means to support parents in carrying out their responsibility to provide for the well-being of their children.

In general, the Department's review has found that State and local agencies are responding affirmatively to the public concern about the potential for child sexual abuse in day care facilities. In some States, counties, and cities, task forces have been formed to investigate alleged abuse and to develop recommendations to prevent further abuse. These task forces combine the expertise of police investigators, prosecutors, doctors, child protection workers, day care providers, and day care licensing staff into teams that can deal with the complex legal, jurisdictional and social issues involved.

Many States are also reviewing their licensing standards and registration requirements for day care in light of specific allegations of abuse. At the same time, many experts are warning public officials of the danger that sensational publicity will trigger a rush of hastily-developed and expensive rules that may neither promote nor assure the safety of children in day care. Their advice includes the caution that though promulgation and enforcement of State licensing standards are important mechanisms for the prevention of child abuse in day care facilities, they are only one step in a series of efforts which must include involvement of parents, day care personnel, and the community at large in preventive activities.

The Department finds that there is as much diversity among States in their response to concern about child sexual abuse as in their mix of child care services and the manner in which they regulate day care. Consistent with their individual circumstances, many States are now implementing, and many more are planning, a variety of changes in standards and statutes specifically to address sexual abuse in day care facilities. Changes in State licensing standards include:

- provisions that increase the involvement of parents in their child's day care program including requirements that parents be allowed to visit their children without prior notice or approval;

- stricter rules to require day care workers to report suspected abuse;

- State and Federal criminal record checks and other background screening of day care operators, providers and other employees;

- name checks of day care employees against State child abuse registries; and

- increased training requirements for day care employees, especially training related to child abuse reporting and detection.

Organization of Guidelines

This document provides guidance for States to use in revising their statutes and standards to address the prevention of sexual abuse in child care facilities. General information is also provided on changes in State standards in recent years. Each section examines the findings of the 1981 Comparative Licensing Study and reports the results of the Department's review in December 1984 of all current, and some proposed, State licensing standards and registration requirements. The material from both reviews is presented for the content areas which Congress directed the Department to examine, and appears in the following order in the document:

1) Parent visitation;

2) Employment history checks;

3) Staff qualifications (by job classification);

4) Probationary periods for staff;

5) Staff training, development, supervision and evaluation; and

6) Staff-child ratios.

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II. PARENT VISITATION AND OTHER PARENT PARTICIPATION

II. PARENT VISITATION AND OTHER PARENT PARTICIPATION

A. DISCUSSION

As child care standards and policies are revised, it is important for State and local officials to recognize that increased parental awareness and involvement is the best way to prevent the sexual abuse of children in day care facilities. To support parental participation and responsibility the Department encourag every State to require that parents be allowed to visit their child's day care facility unannounced at any time the child is there. Since sexual abuse requires both privacy and secrecy the possibility that parents may visit the day care facility at any time makes it more difficult for abuse to occur. Of course, this unrestricted access should be allowed only for parents of enrolled children. It is reasonable to restrict observation to specified times for prospective parents and other visitors to prevent disruption of children's activities and possible abuse by strangers.

Parent visits are also important since State and local staff who enforce child care requirements are limited in number and cannot frequently visit each facility. In addition, since most enforcement visits are scheduled in advance, child abuse will seldom, if ever, be observed during a scheduled enforcement visit.

Parents should be encouraged to meet with day care home providers and center staff not only to follow the developmental progress of their child and to alert staff to the particular needs and problems of their child, but also to familiarize themselves with the staff who are caring for their child. Many States also require that day care centers give parents the opportunity to participate in program planning. This is an opportunity for parents to engage in discussions of ways to improve the facility's program including procedures for preventing child abuse.

Close cooperation between parents and day care providers is nearly always beneficial for children. This cooperation is the only truly effective mechanism to ensure a protected environment for children and the type of care the parents desire. Parental "supervision" of day care facilities helps States "monitor" day care programs for general requirements as well as child abuse prevention. Some States require day care facilities to inform parents about State regulations and the results of monitoring and evaluation reports made by State and local authorities. If parents are aware of potential difficulties, they are more likely to raise any concerns they may have with the appropriate State or local agency. Responding to parental

complaints is an important part of any State's monitoring of day care facilities. In addition, States recognize that parents are the consumers of day care services and as such have legitimate interests and rights.

B. STATE STANDARDS: SUMMARY OF CLS FINDINGS:

1. DAY CARE CENTERS

The 1981 Comparative Licensing Study 1/ showed that 28 of the 50 States had specific standards requiring some kind of parental involvement in day care center programs. The type of involvement varied among the States: 20 States mandated staff meet with parents or develop written plans for involvement of parents; 8 States required progress reports for parents; and 5 States stipulated that parents should be involved in program planning. In special areas of interest to child abuse prevention, 12 States provided for parental observation of the facility and 8 States required that parents have unlimited access to the day care facility. Thirteen States also required that some type of informational materials be provided to parents (e.g., program materials and/or safety and nutrition information).

2. FAMILY AND GROUP DAY CARE HOMES

The Comparative Licensing Study (CLS) found 10 out of 44 States that required some form of direct parental activity in the more informal type of care provided in family homes. Eight States also required that family homes give parents some program information about the care provided. Of the 14 States the CLS found to be regulating group homes, four required parental involvement, with one of these mandating that parents be allowed to observe the care of their child. One of these four States also stipulated that program material be given to parents.

C. STATE STANDARDS: SUMMARY OF 1984 REVIEW

1. DAY CARE CENTERS

The Department's review of State standards for day care centers shows that 34 of the 50 States now have requirements in their standards for parent involvement. There is considerable variation among the States as to the type and extent of parental participation. In addition, most States require or encourage more than one type of activity for parents of children enrolled in State licensed day care centers.

1/ Lawrence Johnson and Associates, Inc. Comparative Licensing Study: Profiles of State Day Care Licensing Requirements; November, 1982. (This study of standards was conducted in 1981, although it was not published until 1982.)

The following data and examples reflect the variety of State approaches to involving parents in the day care center program of their children. Twenty States require parent meetings or written plans for parent involvement. For example, Pennsylvania mandates parent participation through group and individual meetings of staff with parents as well as in program planning activities. North Carolina requires each day care center to have written procedures for the involvement of parents.

Nineteen States encourage observation of day care center programs by parents, with five of those States providing for unlimited access to the centers. New York State requires each day care center to have a policy encouraging parents to observe the children's activities at times mutually convenient to the center and the parents. Ohio mandates that parents shall have access at any time.

Sixteen States require the distribution to parents of various types of informational materials. Georgia, for example, requires day care centers to provide written information on their policies and procedures and on the State standards for day care centers.

Eight States require centers to provide periodic progress reports to parents. Eight States also mandate that parents be involved in center policy and program planning. Seven States allow parents to serve as staff volunteers. Four States require parent membership on day care center advisory boards. As noted above, most States require more than one type of involvement.

Of the seven States that submitted proposed changes in their day care center standards, five intend to add or strengthen parent participation provisions. These new provisions include: requiring communication in the primary language of the parents; instituting an advisory committee; providing written information on policies of the centers, State standards, complaint procedures, and/or information on reporting suspected child abuse or neglect; maintaining a written record of parent participation efforts; and requiring opportunities for parents to visit or permitting unannounced drop-in visits.

2. FAMILY DAY CARE HOMES

Since family day care is a less formal arrangement than center care, States are less likely to require family day care providers to involve parents formally in program planning and activities. The Department's 1984 review of 50 State standards[2/] shows that 21 States now require

2/ The 1981 Comparative Licensing Study summarized 44 State standards for family day care homes whereas the Department's review in 1984 included analysis of 50 State standards for family homes.

some form of parental involvement in family day care. The following are the types of parental involvement required, with the number of States indicated: staff/parent meetings (11), written materials provided (11), parent observation/ visitation (5), progress reports on children (3), program planning participation (2), and other activities (2). Some States require more than one type of involvement.

The use of meetings to encourage parent involvement is typified by Vermont which mandates that family day care providers hold conferences with parents at least three times each year. In addition to meetings with day care staff, Connecticut requires that parents have the opportunity to observe the day care home during routine daily activities. Maryland encourages parent involvement through the distribution of pamphlets delineating parent rights and responsibilities in the day care of their children. California requires that written material on State family day care standards as well as information on registering complaints be provided to parents.

3. GROUP DAY CARE HOMES

Of the 23 States now regulating group day care homes,3/ 15 States mandate some kind of involvement of parents. The following are the types of parental involvement required, with the number of States indicated: written materials provided (7), parent/staff meetings (6), parent observation/ visitation (4), participation in policy and program planning (4), progress reports on children (3), and written permission on discipline procedures(1).

Missouri, for example, requires that opportunities for parent observation of the day care home be made available to parents, while Delaware requires that parents be allowed to visit without prior notice to the home. The State of Washington requires that parents be provided with written information on the policies and procedures of the group day care home. Minnesota mandates regular planned conferences between parents and the staff directly involved with their children. Delaware uses required written or verbal progress reports on the children to encourage parent involvement. Opportunities to volunteer in the program of activities of the group day care home are offered to parents in Wisconsin.

D. OTHER CONSIDERATIONS

While regulatory policies concerning parental involvement in day care facilities are important, State and local governments can also help parents become more involved in

3/ The 1981 Comparative Licensing Study summarized 14 State standards for group day care homes whereas the Department's review in 1984 included analysis of 23 State standards for group homes.

day care through such other efforts as community education and training. Such education would focus on selection of appropriate child care arrangements and information on how to prevent, detect, and report child sexual abuse.

Information and referral organizations can also help parents make an informed choice when they are looking for day care for their child. Some of these agencies provide parents with a set of guidelines on what to look for in choosing child care providers. In addition, States may wish to provide parents with information on State regulations and on how to report suspected child abuse or other problems in day care facilities to the appropriate State agency.

In addition to information on regulated care outside the child's home, States may also wish to develop and distribute to parents guidance for choosing an in-home caregiver. This could include strongly advising parents to do reference and employment history checks before hiring a caregiver. Parents can also establish a "probationary period" for a new caregiver during which time the parents would observe the employee interacting with their children. States could also encourage parents who have hired an in-home caregiver to arrive home occasionally at unexpected times and, most importantly, to listen and talk to their children about the kind of care they receive.

For care given in regulated facilities, we recommend that States consider providing or require day care facilities to provide to parents information like that presented below concerning the selection of day care facilities, communication with children about abuse, identification of symptoms of abuse and reporting of suspected abuse. These guidelines have been adapted from a pamphlet previously published by the Department.

THE ROLE OF PARENTS IN PREVENTING CHILD SEXUAL ABUSE

1. CHOOSING A DAY CARE PROGRAM

The first step parents must take to protect their children is to choose appropriate child care. Although the vast majority of day care facilities are warm, nurturing places that are perfectly safe for children, parents must exercise judgment in selecting a day care program. The following are several guidelines for parents searching for child care:

- Visit the facility you are considering to observe the interaction between children and adults, the daily activities, the facility's resources, and its methods of ensuring safety.

- Ensure that you have the right to drop in and visit the program, unannounced and at any time, once your child is enrolled.

- Check to make sure the program is reputable. State or local licensing agencies, child care information and referral services, other child care community agencies, and other parents may be helpful sources of information. Find out whether there have been any past complaints that other parents are aware of or that have been registered with the licensing or other appropriate agency.

- Find out as much as possible about the caregivers. Talk with other parents who have used the program or provider you are considering.

- Learn about the program's hiring policies and practices. Ask how the day care facility recruits and selects staff. Find out whether they check references and previous employment history and do any other background screening before hiring decisions are made.

- Ask whether and how parents may be involved during the day. Learn whether the program welcomes and supports participation by parents. Be sensitive to the attitude and degree of openness about parental participation.

- Make sure you will be informed about every planned outing. Never give the day care facility blanket permission to take your child off the premises.

- Ask about the facility's procedures for release of a child to someone other than a parent. Prohibit in writing the release of your child to anyone without your explicit authorization. Make sure that the program knows who will pick up your child on any given day.

- Trust your instincts! If you feel uncomfortable about the program or the caregivers, find another facility.

2. LISTEN AND TALK WITH YOUR CHILDREN

Once your child is enrolled in a day care facility you should talk frequently with the staff and other parents about the activities of the day care facility. It is through frequent and thorough communication that you can help avert the tragedy of child sexual abuse.

Even more important, perhaps the most critical child abuse prevention strategy for parents is good communication with your children. Following are some guidelines for promoting communication about child abuse:

- Talk to your child every day and take time to really listen and observe. Learn as many details as you can about your child's activities and feelings. Encourage him or her to share concerns and problems with you.

- Explain that his or her body belongs to the child and that he or she has the right to say no to anyone who might try to touch it.

- Tell your child that some adults may try to hurt children and make them do things they do not feel comfortable doing. Often these grownups call what they are doing a secret between themselves and the children.

- Explain that some adults may even threaten children by saying that their parents may be hurt or killed if the child ever shares the secret. Emphasize that an adult who does something like this is doing something that is wrong.

- Tell your child that adults whom they know, trust and love or someone who might be in a position of authority (like a babysitter, an uncle, a teacher or even a policeman) might try to do something like this. Try not to scare your child--emphasize that the vast majority of grownups never do this and that most adults are deeply concerned about protecting children from harm.

3. OBSERVE PHYSICAL AND BEHAVIORAL SIGNS

Children who may be too frightened to talk about sexual molestation may exhibit a variety of physical and behavioral signals. Any or several of these signs may be significant. These signals are "red flags" that may indicate that a child has been sexually abused. Parents should be aware of such symptoms, which include:

- Extreme changes in behavior such as loss of appetite or gagging on food.

- New fears and recurrent nightmares or disturbed sleep patterns and fear of the dark.

- Unusual fantasy behavior or regression to more infantile behavior such as bedwetting, thumb sucking, or excessive crying.

- Torn or stained underclothing.

- Vaginal or rectal bleeding, pain, itching, swollen genitals, and vaginal discharge.

- Vaginal infections or venereal disease.

- Unusual interest in or knowledge of sexual matters, expressing affection in ways inappropriate for a child of that age.

- Fear, dislike or avoidance of a person previously liked or an intense dislike at being left somewhere or with someone.

- Other behavioral signals such as sudden aggressive, disruptive or violent behavior; withdrawal, passivity or depression; running away or delinquent behavior; failing in school.

- Poor peer relationships or sudden changes in these relationships.

- Self mutilation or suicidal actions/discussions.

- Bodily bruises or difficulty in walking or sitting.

- Multiple personalities or psychosomatic disorders.

4. IF YOU THINK THAT YOUR CHILD HAS BEEN ABUSED

Children frequently do not tell anyone about being abused because they are afraid no one will believe them, that someone they love will punish them, or that they are responsible for the abuse. Sometimes, they lack the language skills to explain what has happened. If you believe your child may have been abused, there are several steps you should take.

- Believe the child. Children rarely lie about sexual abuse.

- Commend the child for telling you about the experience.

- Convey your support for the child. A child's greatest fear is that he or she is at fault and responsible for the incident. Alleviating this self-blame is of paramount importance.

- Temper your own reaction, recognizing that your perspective and acceptance are critical signals to the child. Your greatest challenge may be to not convey your own horror about the abuse.

- Talk with other parents to ascertain whether their children are also exhibiting unusual behavioral or physical symptoms.

- Do not go to the day care facility to talk about your concern. Instead, report the suspected molestation to a local or State social services/ licensing agency or the police.

- Find a specialized agency that evaluates sexual abuse victims--a hospital or a child welfare agency or a community mental health facility. Keep asking until you find a group or an individual with appropriate expertise.

- Search for a physician with the experience and training to detect and recognize sexual abuse when you seek a special medical examination for your child. Community sexual abuse treatment programs, children's hospitals and medical societies may be sources for referrals.

- Remember that taking action is critical because if nothing is done, other children will continue to be at risk. Child sexual abuse is a community interest and concern.

III. EMPLOYMENT HISTORY CHECKS OF STAFF AND OTHER BACKGROUND SCREENING

III. EMPLOYMENT HISTORY CHECKS OF STAFF AND OTHER BACKGROUND SCREENING

A. DISCUSSION

In addition to emphasizing the role of parents, State and local activities to prevent child sexual abuse in day care programs have recently focused on more thorough background screenings of current and potential providers and employees in day care facilities. Although there is no screening process that would guarantee that a child abuser would never be involved in a day care program, careful background screenings can reduce the likelihood of this occurring.

State administrators can include in standards the following types of background screenings of persons involved in day care programs.

- Reference and other checks;
- Education and training history verification;
- Employment history verification;
- State Child Abuse and Neglect Registry checks; and
- Criminal records checks (local, State and national).

Since a variety of positions are involved in day care programs, State and local agencies must carefully consider which individuals should be screened. For example, in day care centers the directors, primary caregivers, aides, volunteers and support staff such as bus drivers and custodial staff could be screened. States, however, may want to require more rigorous screening of those individuals who are most likely to be left alone with children than those who are not. States will also want to consider which checks should be carried out by the licensing agency (e.g., checks of center directors and family day care providers) and which checks the State should require center directors to carry out.

In family and group day care homes, persons considered for screening could include providers, spouses, other adults living in the home, and adolescent children of the provider. Such screening, generally, can only be implemented for licensed or registered care.

The Comparative Licensing Study done in 1981 did not examine the area of background screening of staff. Accordingly, the following discussion is based on the Department's review of State standards in effect in 1984, as well as other pertinent material.

B. TYPES OF SCREENINGS

1. REFERENCE AND OTHER CHECKS

As States revise standards, they should consider the value of checking the references of applicants for licenses to operate day care facilities and applicants for positions within such facilities. Reference checks, which are used by most businesses as standard practice, are useful and relatively inexpensive. They can be an important screening device in helping to identify potential child abusers. Information from references and other sources can provide relevant information about a prospective caregiver's ability to care for children and his or her character, work habits, reputation and health. In addition to the references submitted by the applicant, it may also be useful to contact previous co-workers and parents of children who have been under the care of the applicant.

Reference checks are best completed by phone or through face-to-face contact with the references to allow for the fullest possible discussion. Some areas for discussion with a reference include the applicant's relationship with children, how the applicant deals with discipline, how children respond to the applicant, and the reference's assessment of how the applicant will perform in the day care program. It is also useful to inquire if there are any problems or conditions the reference might be aware of that would interfere with the applicant's ability to care for children or in any way endanger the children under the applicant's care. These problems include substance abuse, mental or emotional illness, or history of child abuse.

A review of State standards in effect as of 1984 revealed that twenty-four States require references for day care center directors and/or staff. Georgia, for example, requires references for center directors, employees and volunteers while Vermont requires references for center directors only.

References are required in twenty-four States for family day care providers. Most commonly, these States ask for three references. In Texas, a family day care applicant must supply references to the licensing agency and the State requires any aides to supply references to the provider. Alabama requires a reference check on others residing in the home as well as the day care provider.

Eight of the twenty-three States with standards for group day care homes require references. An additional State reported that it is routinely requiring references from group home providers as well as family home providers and centers, although the State standards do not yet require such reference checks.

Although references frequently are required, few States indicate in their standards whether verification of references is required. Illinois does, however, require that three character references for potential employees be verified by the center. Hawaii and Mississippi require that two written references accompany the application for licensure of a family day care home. In New York State the references of an applicant for a family home license must be verified as to the applicant's suitability to care for children. In Texas, three references must be provided and verified for group home providers.

2. EDUCATION AND TRAINING HISTORY CHECK

States vary greatly in education and training requirements for individuals interested in working in day care facilities. (These are discussed in detail in Section IV.) Whatever the requirements, employers should be encouraged to verify the education and training listed on the application of a potential caregiver to assure that the skill and knowledge necessary to provide adequate child care has been attained by the applicant and that there is no falsification of background. Education and training can be documented through transcripts, credentials, and descriptions of in-service experience. This could include identifying the amount and type of training a prospective caregiver has received about the identification and prevention of child abuse. Information from such a check also indicates areas where additional education or training may be needed if the applicant is hired.

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A review of State standards in effect as of 1984 revealed that education and training must be verified or documented in twenty States for directors and staff in day care centers. Washington and Ohio require such a check for family day care providers, and Texas and Washington require this type of screening for group home providers. An additional State, while not requiring such checks in its standards for family and group homes, has implemented the practice of verifying the education and training history of applicants.

3. EMPLOYMENT HISTORY VERIFICATION

States may wish to consider requiring employment history verification of prospective licensees or personnel in child care programs. Such a check, which is a standard business practice, can be a source of information to help prevent the likelihood of a child abuser becoming involved in a day care program. Inquiries of previous employers can provide useful information about an applicant's work habits, experience in child care, relationship with children, children's feelings about the applicant, and the applicant's reasons for leaving past employment. It can also reveal any other major problems with the applicant, including the area of child abuse.

At a minimum, the licensing agency or employer should verify the most recent employment of a potential provider or employee in a day care program. Other employment verification might be considered depending on the length and type of the most recent employment. For example, if the most recent employment was for a short duration, was in another geographical area, or was in a business or activity unrelated to child care, other employment reference checks would be appropriate.

A review of current State standards for day care centers revealed that twenty-two States require verification of the most recent employment of prospective personnel. This type of screening is required in seven States regulating family homes and in four States that regulate group homes. Another State has implemented this practice for centers as well as family and group homes though its standards have not been changed to require it. Three States that are in the process of revising their standards plan to require employment history verification.

Some States require verification of the employment history of only center directors or family or group home operators while others, such as Georgia, check past employment of all employees including volunteers. Some States require verification of more than the most recent employment. For example, in New York City, an applicant for employment in day care services under contract with the City must have his or her employment verified with the three most recent employers.

4. CHILD ABUSE AND NEGLECT REGISTRY

Another source of information for background screening of potential operators, employees and volunteers seeking involvement in day care programs may be the State child abuse and neglect registries. Almost all States have child abuse and neglect registries identifying abusers, although the information collected varies widely. However, only a few States currently are requiring a check of these registries for day care employment purposes.

The use of these registries as a background screening device has to be carefully weighed because many registries contain names of people for whom the allegation of child abuse was never substantiated. Thus, it is important that when State standards require a check against registry files, the information obtained should be viewed as only one portion of the screening process.

A review of current standards shows that checks with the State child abuse and neglect registry are required for prospective caregivers in nine States for day care centers, in ten States for family day care homes and in five of the twenty-three States regulating group day care homes. In one State, Iowa, the names of all persons living in the group day care home must be checked in addition to the provider. The Department's review of several proposed standards revealed that two additional States plan to check against child abuse and neglect registries for day care center applicants and one State is planning to do this check for family home applicants.

The manner in which State registries of child abuse and neglect are used for screening purposes varies among the States. Release of the information may be restricted, and a child care licensing agency may have no direct access to the registry information. This is the case in California where only the child protective services agency has direct access to the State's child abuse

central registry, which is maintained by the California Department of Justice. In States where licensing agencies do receive such information, States may want to develop confidentiality procedures as well as an appeals process for applicants who are rejected for employment based on information in the registry. Because many registries contain names of persons for whom the allegation of abuse was never substantiated and others who have never been prosecuted, if States use this screening tool they may want to use only information on substantiated cases of abuse.

Legislation recently passed in New York City requires persons, corporations or entities under contract with the City to screen all current and prospective personnel in child care services through the statewide central registry of child abuse. The personnel to be screened include day care employees as well as family day care providers and members of their households.

5. CRIMINAL RECORD CHECKS

a. BACKGROUND

Criminal record screening of day care providers and staff is one of the key activities being discussed as a means to prevent child abuse in day care facilities. Consequently, the topic is examined at length in this document. This is essentially a new subject in day care, so, unlike several other topics in this guidance, little information or past experience is available to State and local officials on criminal record checks for day care licensing and employment purposes. However, pursuant to Section 401 of P.L. 98-473, the Continuing Appropriations Act of 1985, State laws and procedures on employment history, background checks, and nationwide criminal record checks of all employees of facilities caring for children must be in place by September 30, 1985. If a State fails to meet these requirements, that State's allotment under Title XX is to be reduced in the next fiscal year by fifty per cent of their share of the additional $25 million authorized for fiscal year 1985 under Title XX. The Department issued on January 15, 1985, a Federal Register announcement regarding this requirement (see page 2089 of that announcement). The following discusses what States are now doing in this area and examines some of the issues related to performing criminal record screenings.

Criminal background checks for day care employment and licensing are now being used in some States and are being considered by a number of other States. Criminal record checks involve using names, fingerprints, or other

identifying information for screening of individuals through FBI, State and local criminal record files. There are several issues involved in this type of background screening, including:

- o types of facilities which will be covered by screening (centers, family homes, and/or group homes);
- o who is screened in facilities (directors, caregivers, support staff and/or volunteers in centers; operators and all staff and residents of a day care home);
- o type of screenings used (fingerprints, name check, etc.);
- o extent of the screening (local, State and/or national);
- o what information is released (arrests and/or convictions);
- o to whom the information is released (law enforcement agencies, licensing agencies, day care centers, etc.);
- o who pays for the screening (State or local governments, centers, providers, individual applicants, etc.); and
- o how the information is used (e.g., what criminal charges or convictions rule out applicants or current employees as day care staff).

b. STATE SCREENING PRACTICES

Presently only three States have approved statutes requiring FBI criminal record screenings of directors or other staff of day care programs: California, Georgia (directors only) and Minnesota (not yet implemented). However, twenty-four States currently screen some day care operators and/or staff through statewide criminal record files. In addition, at least twenty States are anticipating new legislation to authorize some type of criminal record screening for day care operators, other employees and/or volunteers.1/

1/ Office of Inspector General, U.S Department of Health and Human Services; Draft Report: Preventing Sexual Abuse in Day Care Programs; November, 1984; pages 10 & 11.

Since most States have just begun to address criminal record checks for day care employees, their procedures vary greatly on the extent and content of the criminal records screening as well as who must submit to such checks. In addition, there is much variation among the States as to the agencies and processes involved in obtaining the criminal history information. The following examples illustrate the differing approaches of State and local governments to this type of screening.

A recently enacted law in Indiana allows child care facilities to request from law enforcement agencies limited criminal histories on persons applying for employment and on persons volunteering their services whose positions involve contact with or care of children. The limited criminal history includes any arrest, indictment, or other formal criminal charge for which a disposition has been entered. In the case of criminal charges occurring within a year of the request, information can be released even if no disposition of the charge has been made. The law does not permit requesting criminal screening of persons already employed.

A few States give counties and cities the option to use certain background screens. Pursuant to a recent law enacted in New York City, all current and prospective day care center directors and staff as well as all licensed family day care operators and all residents in these homes must be screened. The screening must include, but is not limited to, a statewide fingerprint screen, review of criminal convictions and pending criminal charges, and inquiry of the statewide central registry of child abuse and maltreatment. In addition, reference checks with each of the three most recent employers must be completed. Day care providers in New York City are not allowed to hire or retain a person who has a criminal conviction record of child abuse or is the subject of a child abuse and maltreatment report on file with the statewide central registry. According to the City's policies, a day care provider may not dismiss or permanently deny employment to current and prospective personnel solely because they are subjects of pending criminal charges. However, a day care provider may suspend current personnel or defer employment decisions on prospective personnel until final disposition of any pending criminal action. In contrast, the State of New York requires a screen of all day care staff against the State Child Abuse Registry but does not mandate a check of State criminal records.

In California, current law requires that, before an applicant can receive a license to operate a child care facility of any kind, she or he must be fingerprinted so that the State Department of Justice may notify the licensing agency of any pertinent criminal record the applicant may have. All employees of the child care facility must submit fingerprints and sign a declaration regarding previous criminal convictions. In addition, all persons who live in a child care facility must be fingerprinted and sign the declaration. If it is determined that an employee has been convicted of a felony or any sex offense against a minor, the licensing agency then notifies the licensee to terminate the employment of the person. If the license applicant himself has a record of such a conviction then the license would be denied or revoked. In California's process, only records of criminal convictions are considered, not arrests or dismissals.

State officials in New Jersey report they believe that fingerprinting or other criminal screening of persons involved in child care programs can be effective. They recognize that only a small percentage of those individuals who sexually abuse children in child care facilities have been found to have criminal records. Nevertheless, these officials, like many others across the country, believe the knowledge that an effective screening process is in place can have a deterrent effect in preventing child abusers from applying for employment or volunteer work in child care facilities.

Maryland currently denies a license for a family day care home if either the applicant, or a resident in the applicant's household, has a criminal record containing charges that indicate behavior which is harmful to children. However, no such requirement applies to providers or employees in child day care centers or group day care homes.

A review of proposed changes in the standards of fifteen States showed that most are planning to include some form of criminal background checks on providers, employees and/or volunteers in day care facilities. For example, one State has recently proposed a change in its licensing and registration standards that would require criminal history and central registry checks to be completed for all day care center personnel and family home providers. This State has taken the position that information from the State law enforcement agency regarding convictions and/or information which pertains to an incident for

which a person is currently being processed is public information and can be shared, if requested. However, nonconviction information for completed cases which is obtained from the State law enforcement agency may be disseminated only to a criminal justice agency or juvenile justice agency.

In another State, a proposed law would allow an employer to request from the State Justice Department all available records of convictions involving sex crimes of an applicant for employment or volunteer for a position in which he or she would have supervisory or disciplinary power over a minor. A copy of the information sent to the employer would also be sent to the applicant.

Another State is exploring the possibility of requiring fingerprinting and full criminal record checks for licensure staff who inspect day care facilities. The proposal also includes the requirement for fingerprinting and criminal record screening for all child care personnel.

Based on these and other examples it is evident that many States are expanding the use of criminal record checks to reduce the likelihood that persons who are child abusers will be employed in day care programs. It is also evident that there are a variety of approaches as to who is to be screened and the extent and content of the criminal record check.

c. FBI CHECKS

The FBI's national fingerprint screen is more comprehensive than any other criminal record check and is the only feasible way for a State to conduct a nationwide criminal record check. The FBI is authorized (under P.L. 92-544) to exchange information with a State from its computerized criminal history file for licensing and employment purposes if such an exchange is authorized by a State statute and approved by the Attorney General of the United States. Fingerprint cards are submitted to the FBI through a single approved State agency, such as the State police, and are returned to that agency or directly to the State licensing agency, as authorized in the pertinent State law. A State statute is accepted by the Attorney General of the United States as long as it clearly shows that the State legislature intended that a nationwide check be conducted and it does not violate public policy (e.g., civil rights).

Last year, of the six million fingerprint cards submitted to the FBI for screening, 697,000 were screened for licensing and employment purposes for a variety of occupations. The FBI charges a fee of $12 per fingerprint card for licensing/employment screens.2/

It should be noted that despite their comprehensiveness, even FBI criminal files have some limitations. For example, the information contained in them is furnished voluntarily by State and local law enforcement agencies and there are often delays in sending to the FBI fingerprints of persons arrested and the disposition of cases following arrests. FBI files contain no records on juvenile offenders unless they were tried as an adult. Information on arrests for which there is no reported disposition in the FBI files is not disclosed for licensing/employment screening purposes, except for arrests within the previous 12 months.3/

Nevertheless, prosecutors, therapists, police investigators and other experts interviewed by the Department's Office of Inspector General generally agreed that the FBI's national fingerprint screen is more effective than any other screening method.4/

d. COSTS

States are considering the cost involved in completing criminal background screenings and are balancing these costs against the probable effectiveness of the screening. Costs of criminal record checks depend on the nature of the check being performed and whether the check involves a fingerprint screen.

While the FBI charges $12 for each fingerprint card submitted for nationwide licensing/employment screening, States vary in the fee they charge for fingerprint

2/ Office of Inspector General, U.S. Department of Health and Human Services; Draft Report: Preventing Sexual Abuse in Day Care Programs; November 1984; page 9.

3/ Ibid, page 16.

4/ Ibid.

screening. The Inspector General's Draft Report on Preventing Sexual Abuse in Day Care Programs provided the following examples of how costs differ among the States for a State-level criminal record check using fingerprints:

California	$15.50
Florida (counties)	5.00
Georgia	12.00
Illinois	10.00
Kansas	6.00
Nebraska	5.00
New York (City)	17.00
Washington	10.00

States that use fingerprint screening report that two separate cards for each person checked are needed to do both a State and a FBI screen. Accordingly, the Inspector General's Report estimates that a nationwide criminal record check of both a State file and the FBI file, using two fingerprint cards, would cost about $25 per person in a large-volume licensing/employment screening operation.

Costs associated with screening against State criminal record files without fingerprint cards are much lower and range from $2 to $5 a check. This lower cost must be balanced against the knowledge that any screening without fingerprints is subject to more error and misapplication when done for licensing and employment screening purposes. For example, name checks alone miss anyone who has adopted an alias or legally changed his name.

Another cost issue which States must address is who will pay for the screenings. Will it be the child care facility, the State or local jurisdiction? Ultimately, the costs will be passed on to the consumer or the taxpayer.

There are also hidden costs associated with criminal background checks because of delays in the hiring of employees while awaiting the completion of a screening. The FBI estimates that it takes an average of 14 days for an FBI fingerprint check to be processed. In addition, a large number of fingerprint cards are often rejected by the FBI for lack of clarity or other reasons even after State identification bureaus have approved and forwarded them to the FBI. In contrast, State officials reported that such checks usually take six-eight weeks to process.

Because day care facilities often lose staff without warning and must be able to replace staff quickly to assure adequate care and meet staffing requirements, they often cannot wait six to eight weeks to hire an employee. Therefore, States who require screening may want to allow employees to be hired on a probationary status, pending completion of the screening. Such staff should be closely supervised during this probationary period as described in Section V.

e. EFFECTIVENESS OF SCREENING

Experience to date indicates that cri. nal record checks for licensing and employment purposes in various occupational categories yield a positive identification rate (i.e., the person being checked has a criminal record) of only five to eight per cent of the persons screened. Because child sexual abuse so frequently goes undetected and because the conviction rate for sexual abuse crimes is so low, it is estimated that only one to fifteen per cent of sexual abusers have criminal records. In addition, while approximately 95 per cent of child care workers are female, it is males who constitute 80-85 per cent of the criminal record cases and 78-92 per cent of child sexual abuse cases. It is estimated that only seven to eight per cent of reported child sexual abuse is committed by someone other than a relative. It appears likely, therefore, that only a small number of child sexual abusers will be identified in this type of screening of child care workers.5/

Many people argue that the time and expense of fingerprinting and other criminal record screening is justified, even if only a few child sexual abusers are identified. Notwithstanding the problems inherent in performing criminal record checks, the potential deterrent effect of this type of screening should not be underestimated in limiting the number of sexual abusers seeking employment in day care facilities.

One approach to screening which is being considered by at least one State involves a three phase system. In such a system, a State would initially do a statewide criminal records name check for all day care personnel who are to be screened. For persons whose names are positively identified, a fingerprint screening against statewide

5/ Office of Inspector General, U.S. Department of Health and Human Services; Draft Report: Preventing Sexual Abuse in Day Care Programs; November, 1984; pages 17-18.

criminal records would then be done. If this check revealed a criminal record, or when the person being screened has resided in the State less than a year, then an FBI fingerprint check would be sought. This approach would require all persons being screened to sign a declaration of all prior felony convictions or current felony charges, all pending arrests and charges related to child abuse and neglect, and the disposition of such arrests, charges and/or convictions. The State would also require reference checks of all prospective day care personnel. This approach is one way to balance costs against the need to screen suspected individuals.

f. COORDINATION

Another issue that is of concern to States as they examine the problem of preventing child abuse through background checks is coordination among the various agencies concerned with child care, child abuse and law enforcement.

Often there is not a single agency responsible for the overall child care policy of a State. For example, in one State the Department of Social Services is responsible for licensing family day care homes, the Department of Health is responsible for standards for day care centers and group day care homes and the Department of Education is responsible for licensing nursery schools. This organizational pattern compounds problems of coordination for screening with other State and local agencies such as the State Justice Department and Child Protective Services.

Another complex issue is the sharing of information among various State agencies. Typically there is no system to manage the coordination of criminal background check information, partly due to concerns about disclosure of confidential information. For example, information in the criminal record file of a law enforcement agency may not be available to non-law enforcement agencies such as licensing offices. While conviction records are viewed in many States as public information and are available to the public, disclosure of nonconviction and arrest records is more restricted. "The concept that restrictions should be placed on the release of nonconviction information (acquittals, dismissals and arrests without disposition) is generally accepted. Although FBI regulations allow States to disseminate such

information pursuant to State law, many States choose not to reveal nonconviction information outside the criminal justice system." 6/ A recent survey conducted for the Department of Justice revealed that 43 States and Territories permit disclosure of conviction information for employment purposes to non-criminal justice government agencies; 35 jurisdictions permit disclosure of nonconviction information to such agencies; and 37 permit disclosure of arrest information to such agencies.

States are much more restrictive in their dissemination of criminal records information to private-sector agencies and individuals, particularly with respect to nonconviction records and open arrest records. The laws of 32 States and Territories authorize the disclosure of conviction records to private persons; 25 jurisdictions authorize dissemination of nonconviction records for specified private persons; and 27 authorize disclosure of arrest records. However, with increased public attention on the issue of preventing child abuse, greater cooperation between local police departments and child care licensing agencies is occurring. For example, one local jurisdiction is considering policy changes to hasten criminal record checks on child care employees by establishing access for the State licensing agency to the State's automated criminal history index.

6. SUMMARY

While criminal record checks and other types of background screening of persons working in child care programs can be an effective preventive measure, these checks should not be expected to eliminate all incidents of child abuse. Background screening is one element in a comprehensive approach to preventing abuse in child care programs.

The Department urges careful recruitment and selection of qualified persons to operate and assist in child care facilities. This selection process should include appropriate background screening of employees in centers or day care homes. For these reasons, in September 1984 the Department's Administration for Children, Youth and Families issued a program instruction to all Head Start

6/ Department of Justice, Bureau of Justice Statistics Bulletin, Survey of State Laws Criminal Justice Information Policies, June, 1982.

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grantees and delegate agencies urging a review of policies and procedures in screening and selection of applicants for Head Start positions. This instruction urged that Head Start programs assure that their personnel practices concerning the qualifications, recruitment and selection of personnel insure that the individuals selected can fully protect the health and safety of the children in their care. This guidance was sent as a precaution to insure that the Head Start program remains free from the tragic allegations that have surfaced in other child care programs.

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IV. STAFF QUALIFICATION REQUIREMENTS BY JOB CLASSIFICATION

A. DISCUSSION

In addition to background screening requirements, State agencies which regulate day care set various standards/ requirements which must be met before a person may be employed as a program director, child caregiver or aide in a day care center, or licensed/registered as a family or group day care home provider. The qualifications which most States regulate are those that affect the health, safety, and development of children, including: staff minimum age, health status, education, and experience.

Child care is a physically and emotionally demanding profession which requires an understanding of children and their needs. When States set minimum qualification requirements for staff employed in day care, they must strive for a balance between assuring that appropriate staff are employed and assuring that sufficient labor is available to meet the demand for day care. Salaries paid day care staff often are not sufficient for applicants with college degrees. However, practical experience with children and training in subjects oriented to human development have been shown to be more important than college degrees per se. In addition, degrees are not necessarily good proxies for ability and the personal attributes which are so important to providing quality child care. As a result, many States are choosing other criteria for staff qualifications.

For example, an increasing number of States have been using the qualifications which were developed, with support from the Department, for the Child Development Associate (CDA) credential. To obtain a credential, a candidate must demonstrate to an assessment team (composed of child development experts and local community representatives) an ability to work with children, parents and other staff members. The candidate must be able to: establish and maintain a safe and healthy learning environment; advance children's physical and intellectual competence; support positive self-image; promote harmonious interaction between children and adults in a group setting; and develop good coordination between the home and center. Thus, this credential requires demonstrated ability rather than years of education. The CDA credential is now widely used. For example, it meets the education qualification requirement for directors of day care centers in 22 States and is often used as a requirement for other center staff as well as for providers and staff of family and group day care homes.

There is little evidence to suggest that general staff qualification requirements, by themselves, screen out potential child abusers. Background checks, on-the-job assessments, and training are more effective means of preventing child abuse in day care. As noted in the previous section, many States include requirements for criminal record checks or child abuse registry checks as part of the process of screening an applicant to operate or work in a day care facility.

B. STATE STANDARDS: SUMMARY OF COMPARATIVE LICENSING STUDY FINDINGS

1. GENERAL QUALIFICATIONS

The Comparative Licensing Study (CLS) examined general qualifications required of staff in the differing types of day care facilities. Specifically, it studied the age, health status, education and experience requirements for staff. The findings of that study are summarized here. (A more detailed examination of the findings from the CLS review of staff qualifications is shown in Appendix C.)

a. DAY CARE CENTERS

In summary, the CLS showed that a majority of States require that a director of a day care center be at least 21 years of age, in good health, have a high school diploma and some form of post-secondary training in child development, and have at least 2 years experience in child care or business administration.

In a majority of States with qualification requirements for caregivers, individuals usually had to be at least 18 years of age, have passed a medical exam and tuberculosis screening, and have a high school diploma to qualify as a caregiver in a day care center. States often differentiated among different types of "caregivers" and had different requirements for head teachers, teachers, and aides.

In 29 States other staff, including volunteers, caregiver aides, food service workers and bus drivers, had to meet specific State qualifications before they assumed employment in day care centers.

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b. FAMILY DAY CARE HOMES

To operate a family day care home, most States required that individuals be at least 18 years of age and in good health. Ten States also required that family day care providers have some specified level of education; four of these States required education in the area of child development. Ten States also required some previous experience; four States required child care experience.

c. GROUP DAY CARE HOMES

The fourteen States with separate group day care home standards in 1981 considered age, education, and experience in staff qualifications. The majority of these States required a minimum age of 18 for the provider and staff of group day care homes. One State permitted a provider to be 16 years of age and one State required a minimum of 21 years of age. Education requirements for providers and staff emphasized literacy and child development training. Eight of the States required child care experience for providers and six required some experience for staff members.

2. STANDARDS SPECIFIC TO CHILD ABUSE

The Comparative Licensing Study (CLS) also examined three areas which are relevant to child abuse prevention. They found three offenses which could ban applicants from employment in day care facilities: child abuse and neglect offenses, offenses involving "moral turpitude" and offenses against another person. Although some States differed in their methods of handling criminal background information on these offenses, most States disqualified applicants with known convictions for these charges. At the time of the CLS review in 1981, the following number of States barred persons from qualifying for jobs in the three types of day care facilities and for the three offenses indicated:

DAY CARE CENTERS

Child Abuse and Neglect Offense	20 States
Moral Turpitude Offense	16 States
Offense Against Another Person	4 States

FAMILY DAY CARE HOMES

Child Abuse and Neglect Offense	15 States
Moral Turpitude Offense	8 States
Offense Against Another Person	4 States

GROUP DAY CARE HOMES

Child Abuse and Neglect Offense	4 States
Moral Turpitude Offense	4 States
Offense Against Another Person	2 States

C. STATE STANDARDS: SUMMARY OF 1984 REVIEW

1. DAY CARE CENTERS: GENERAL QUALIFICATIONS

The Department's review in 1984 of State licensing standards indicates great diversity in the general requirements for day care center directors and their staff. Qualifications include those regarding age, specific education and work experience, general knowledge and experience, and qualities necessary to work with children. Most States have distinct qualifications for day care center directors and separate requirements for primary caregivers. Among the many differences in the States, some States also include qualification requirements for other positions such as aides and/or volunteers. Several States differentiate requirements for caregivers with supervisory responsibility from qualifications for caregivers who do not supervise staff. A few States have more stringent qualifications for directors and caregivers of large centers than for those who administer smaller centers with fewer numbers of children.

While minimum age is not always included as a qualification, when specified, the minimum age for directors ranges from 18 to 21 years. Eighteen States require a minimum age of 21, two States require age 19, and sixteen States a minimum age of 18 for directors. The minimum age range for primary caregivers is 16 to 21 years with 18 years the most frequently required minimum age (22 States). Seventeen States have a minimum age requirement for aides. It ranges from 14 to 18 years old, with nine States requiring 16 years as the minimum age.

Education and/or experience requirements are also extremely varied among the States. Forty-four States require some level of education or training for directors and thirty-five States have such a requirement for primary caregivers. Thirty-four States require some type of experience for directors and eighteen States include experience as a requirement for primary caregivers. Frequently, education requirements are linked to

experience requirements so that individual applicants can qualify using various combinations of education/training and work experience. Often experience can be substituted for education in order to qualify.

For the position of director, eighteen States require that directors have at least a high school diploma, with fourteen of these States requiring additional experience (from one to three years) and three of these States requiring additional child related courses. While twenty-two States permit individuals to qualify as directors if they have a Child Development Associate (CDA) credential or an Associate of Arts (A.A.) degree, fifteen of these States require some additional child related experience (from 6 months to 4 years experience). Eight of the twenty-two States also require a specific number of hours of child related coursework as part of the education requirement or as a substitute for the additional experience required. Thirteen States allow persons to qualify as directors if they have a Bachelor of Arts (B.A.) or Bachelor of Science (B.S.) degree, but five of these States stipulate specific child related coursework and seven of these States also require some experience which is child related. Seven additional States allow child related experience alone (from one to six years) to qualify an individual as a day care center director.

For the position of primary caregiver, the State requirements are equally diverse. Fifteen States require a high school diploma as a minimum qualification and seven of these States also include a requirement for additional child related experience. Sixteen States permit a caregiver to qualify who has a CDA credential or A.A. degree but thirteen of these States stipulate additional experience and/or specific child related coursework. Eight States qualify caregivers who have a B.S. or B.A. degree and four of these require some child related experience and/or coursework.

Several States include requirements as to the overall temperament and suitability of applicants to work with children. More general in nature than age, education or experience requirements, these qualifications include: "qualities to work with children" or "emotionally suited to work with children." Ten States have such a requirement for directors, twelve States include it for primary caregivers and five States have it as a requirement for aides.

Of the seven States which sent their proposed center standards to the Department, three large States now plan to strengthen their general education and work experience requirements for directors and caregiver staff of day care centers.

2. DAY CARE CENTERS: CHILD ABUSE RELATED QUALIFICATIONS

The Department's review of standards found several categories of "qualifications" which relate to preventing potential abusers from qualifying for jobs in day care centers. While the strictness and content of the State standards varies considerably, 38 States prohibit or discourage the employment of a person who has an undesirable background. These "tests" of the "undesirability" for day care employment range from having felony or child abuse convictions to being mentally or

emotionally unable to care for children. The following summarizes these diverse conditions and crimes and the number of States which use these categories to keep individuals with inappropriate backgrounds from qualifying for jobs in day care centers:

o History of Child Abuse Convictions, Substantiated Reports of Child Abuse	27 States
o Convicted of a Felony or Other Criminal Record	17 States
o Not Emotionally or Mentally Able to Care for Children	16 States
o Other Crime Involving Moral Turpitude	12 States
o Not of Good Moral Character	10 States
o Substance Abuse History	4 States

While some States stipulate in their standards that a person will not qualify if she or he has been convicted of a felony or child abuse, others do not ban such persons categorically from employment. For example, New York denies employment of a person who has been convicted of a crime against children. Wyoming's standards require any applicant who has a history of a felony or child abuse charge to provide information concerning convictions and evidence showing the applicant's suitability to care for children. Several States require a check against the State Child Abuse Registry but do not indicate whether a person identified on the registry will be prohibited from employment. Tests for being of good moral character or emotionally and mentally able or suited to care for children are similarly not specified. Connecticut has added a condition to their standards that it is a misdemeanor to provide false written statements concerning any prior convictions in an application for a day care license.

Five of the seven States which shared their proposed standards for day care centers are planning to require, as a qualification for employment, that no director or other staff member have a history of child abuse and neglect.

3. FAMILY DAY CARE HOMES: GENERAL QUALIFICATIONS AND CHILD ABUSE RELATED QUALIFICATIONS

Forty-eight States have some qualification requirement(s) for family day care home providers and twenty-four States have some type of qualification criteria for assistants or aides to the providers. The most common requirement is age, with forty-three States requiring that the provider be of a minimum age. Thirty-eight of these States mandate 18 years as the minimum age, three require 21 years as the minimum and two use 19 years as the minimum age. Twenty-two States also have a minimum age requirement for assistants or aides. Ten of these States use the age of 16 as a minimum for staff who are under the supervision of the family home provider, nine States require that an assistant be 18 years old and three States set 14 as the minimum age.

Of the many States that have training, education, and experience requirements for family day care home providers and their aides, the requirements are much less specific than those used for day care centers. For example, twenty-three States require family home providers to have general knowledge of child care and/or the qualities necessary to care for children. In addition, ten States require child related education/training and/or experience for family day care home providers and seven States have an education and/or experience requirement for aides.

Thirty-eight State have some type of "qualifications" which are designed to exclude persons who have an "undesirable background" from employment as family day care home providers or assistants. Twenty-eight States have standards that do not allow licensing/registration of a family home provider who has been convicted of child abuse or neglect. Ten of these States do not license or register a family day care home if any one in the home has been convicted of child abuse and neglect. Twenty States prohibit anyone convicted of a felony from qualifying as a provider and seven of these States extend the requirement to anyone living in the home of the provider. Eighteen States have a general requirement that the caregiver be "emotionally able" to care for children, while ten States require the provider to be of "good character." Eleven States ban someone convicted of a crime of moral turpitude and eight States prohibit someone with a history of substance abuse from qualifying for licensure or registration.

Of the seven proposed standards for family day care homes which the Department received, four include as a qualification requirement that the provider have no history of child abuse and neglect. Two of these four States also extend this requirement to include anyone living in the provider's home. One other State reports it is also planning to increase the age and education requirements for family home providers.

4. GROUP DAY CARE HOMES: GENERAL QUALIFICATIONS AND CHILD ABUSE RELATED QUALIFICATIONS

As with the requirements for other day care facilities, States focus the requirements for group day care home providers and aides on age, general knowledge, education, experience and qualities such as overall temperament to work with children. Of the twenty-three States with group day care home standards, twenty-two States have some qualification standards for providers and nineteen States require providers' assistants or aides to meet some qualification requirement(s). Nineteen States have an age requirement for providers and sixteen States have age requirements for aides. For providers, sixteen States require 18 years of age, two States require 21 years of age, and one State has a minimum age of 19. Age requirements for aides include seven States with a minimum requirement of 16 years of age, five States requiring a minimum age of 18 years, three States requiring 14 years, and one State requiring 15 years as the minimum age.

Education and training requirements for group day care home providers and their staff are less specific than qualifications for day care center personnel. Nineteen States specifically require some type of child related education/training and/or experience for providers and seven States have such requirements for aides. These requirements are quite diverse, ranging from a requirement that a provider be a high school graduate to a requirement that a provider have a B.A. or A.A. degree or have a CDA credential, plus one year of experience. Several of the States require that the education and/or experience be in a child related field. In addition, five States require that providers have a general knowledge of child care and children's needs. Six of the States include a general qualification that the provider have the qualities such as temperament necessary to care for children and six States include such a requirement in the qualifications of aides.

Nineteen of the twenty-three States regulating group day care homes have some kind of "qualification" requirement to screen out persons who have "undesirable backgrounds." Sixteen of these States do not license/register a provider who has been convicted of child abuse and neglect. Thirteen States prohibit anyone convicted of a felony from qualifying as a provider. Eleven States have a general requirement that the provider be "emotionally able" to care for children. Four States ban licensure of someone convicted of a crime of moral turpitude and four States prohibit an individual with a history of substance abuse from qualifying as a group home provider. Two States have a general requirement that the provider "be of good character." Several of the States extend the above requirements to all members of the provider's household.

Only one State submitted a proposed standard for regulating group homes. This Eastern State is planning to include the qualification that a group home provider can have no history of child abuse or drug use. It also proposes to increase the education and experience requirements for group home providers.

V. PROBATIONARY PERIODS FOR NEW STAFF

As State administrators grapple with the problem of preventing child abuse in day care facilities, they recognize that even the most detailed background check of a job applicant and assessment of the applicant's qualifications may not be sufficient. Such checks and assessments cannot always properly evaluate an individual's ability to provide appropriate care for young children or screen out a potential child abuser. Consequently, a probationary or trial period for new employees is a useful management tool for day care directors and providers to use in detecting problems with new staff.

A probationary period provides an opportunity to observe a new employee's skill and behavior in working with children. During this time, the center director, staff supervisor or home provider can determine whether or not the individual is performing in a satisfactory manner. The probationary period should always be for a specified period of time, and the employee should always be made aware of it before he or she accepts the job. During this period, the new employee can receive an orientation session on all center policies and procedures, special needs of individual children, and the expected code of conduct for staff interaction with children.

Parents can also be helpful in assessing new employees. They should be encouraged to visit the day care facility to observe and get to know new employees.

The Department's review of current standards reveals that a probationary period is usually not addressed in State day care standards. Only Minnesota, Illinois and Wisconsin's standards contained a statement that child day care centers must have a written description of the probationary period. Minnesota also has this requirement for group day care homes.

The Department encourages States to consider requiring a probationary period for employees at least until any required background checks are satisfactorily completed. Such a trial period helps balance the need to do background screening against the need to promptly replace staff who leave. Given the high turnover rate of day care staff and the concern for screening-out undesirable employees, a probationary period for new staff can be an effective administrative policy.

VI. STAFF TRAINING, DEVELOPMENT, SUPERVISION AND EVALUATION

A. TRAINING AND DEVELOPMENT

1. DISCUSSION

The topic of pre-service training of day care staff is covered in Section IV on Staff Qualifications. This section deals with training and developmental activities for caregivers after they are employed in child care settings.

In-service training and development of day care staff or providers are extremely important for State administrators of licensing agencies to consider. The role of the caregiver is crucial in providing the quality of child care necessary to contribute to each child's physical, intellectual, personal and social development. The type and extent of the training which can be required depends on the ages and special needs of the children for whom the caregiver provides care and the type of day care provided. The content and extent of training is also determined by the role of the caregiver and the extent of previous training and experience. Ideally, the process of training is on-going whether the caregiver provides services in a home or administers a large center. The content of possible training activities ranges from principles and practices of child development to scheduling a day's activities.

Orientation sessions for new staff are an especially important type of training at day care centers. These sessions provide information on center policies and procedures, health and safety issues related to individual children, and the expected code of conduct relating to staff behavior with children. Staff should be told of their responsibilities for reporting suspected child abuse and neglect, including child sexual abuse, as well as the procedures for reporting suspected abuse.

State or local agencies and day care centers can provide many other types of training and developmental activities for child care providers including:

- o providing appropriate feedback based on observation of staff;
- o conducting regular staff meetings;
- o providing written materials;
- o convening on-site workshops;
- o providing a resource library;

- encouraging staff to participate in community training resources;
- having staff participate in the Child Development Associate Program; and
- scheduling some time to visit other programs.

In-service training in the prevention, detection and reporting of suspected child abuse is especially important. Many caregivers, even those with extensive child development training, have never had education on this topic. Such training should include helping caregivers talk sensitively with parents and children about abuse and providing information about resources on child abuse.

2. STATE STANDARDS: SUMMARY

a. GENERAL TRAINING AND DEVELOPMENT REQUIREMENTS

(1) DAY CARE CENTERS

The 1981 Comparative Licensing Study found several of the 50 States which required some type of in-service training for center directors and/or staff. These findings are summarized below:

Number of States with Training Requirements

	Directors	Caregivers	Support Staff
Orientation Sessions	6	9	7
In-Service Training	14	19	10

The Department's review in December 1984 of 50 State standards for day care centers shows that thirty-six States now require some kind of in-service training for day care center staff. In addition, sixteen States specifically mandate that orientation sessions be held for new center employees. Some States require a training plan for each staff member, including specifying the subject areas to be covered. Other State standards are more general, requiring that staff be provided "appropriate" in-service training.

For example, in Nevada any new employee must be given training about the center's policies, procedures and program. In addition, within six months of employment staff are required to take an initial course in child care and thereafter participate in three hours of training (workshops, conferences or formal training) each year. New Mexico requires staff to have twelve hours of training per year.

North Dakota stipulates a two day orientation for new staff in addition to five hours of training annually. Arkansas and Utah require some type of in-service training for center directors. Maine's standards include the requirement that staff participate in training and workshops on child development and education.

Georgia requires directors and staff members working directly with children to present evidence of having completed training in the field of child care every three years. New employees who have not had child care training within the previous two years must participate in such training within the first year of employment. The standard indicates that acceptable training includes: related workshops; planned conferences or seminars; training courses provided by accredited schools; the Child Development Associate program; or other training courses.

(2) FAMILY DAY CARE HOMES

The Comparative Licensing Study in 1981 showed that, of the 44 States with family day care home standards, five States required an orientation session for staff when the home was part of a family day care system or a publicly funded provider. Additionally, nine States mandated some other type of in-service training for family day care home providers.

The Department's 1984 review of 50 States with standards for family homes found 19 States whose licensing standards or registration requirements included some type of in-service training and development. These requirements include 15 States stipulating some type of in-service training and 7 States specifying orientation sessions for new providers/employees.

Examples of the types of training required for family day care providers include the requirement in Tennessee that providers attend two hours of workshops or conferences on early childhood development. Arizona requires and arranges to provide orientation and training to family home providers in such areas as record keeping, creative activities, disciplining, and nutrition. Hawaii requires providers to attend an initial orientation before their license is granted and then requires providers to provide evidence of increased knowledge in two or more child related areas before renewal of their licenses is authorized.

(3) GROUP DAY CARE HOMES

The 1981 Comparative Licensing Study reflected that of the fourteen States with standards for group day care homes, six States had some post-employment orientation and/or training in their licensing standards for group day care homes.

The Department's review of standards shows that 15 of the 23 States with standards for group day care homes now include some type of in-service training for group home providers. Georgia, for example, has a stipulation that providers/staff must participate in child care training within the first year of employment when they have had no training within the previous two or three years. Montana requires that a provider be given an orientation within 60 days of being certified as a group home caregiver.

b. CHILD ABUSE AND NEGLECT TRAINING REQUIREMENTS

As noted above, training is especially important in the area of preventing, detecting and reporting child abuse. This can be effectively provided through the orientation of new caregivers and through ongoing in-service training.

The Comparative Licensing Study did not examine the subject of training on child abuse in its review of State standards for day care centers, family homes and group homes.

(1) DAY CARE CENTERS

The Department found in reviewing standards in effect in 1984 that nine States require directors and/or staff in day care centers to receive some type of in-service training concerning child abuse. Typically, the emphasis of the training is on detection of child abuse. Some States also require that day care center staff be trained about child abuse reporting.

For example, Kentucky requires that procedures be established to inform all day care center employees of the State laws pertaining to child abuse and neglect. North Carolina requires that training to recognize symptoms of child abuse and neglect be included in the orientation provided for new employees and that the orientation must take place within the first six months of employment. In addition, two States, Florida and Kentucky, require documentation to be on file in the day care center verifying that a new staff person has been instructed in recognizing symptoms of child abuse and neglect, including sexual abuse, and the responsibility as well as the procedures for reporting abuse.

In a recently enacted law in New York City, the Department of Social Services is required to provide training in the detection and reporting of child abuse for current and prospective day care personnel. The law also requires the Department of Social Services to issue and circulate to all day care providers and parents a publication containing information on how to identify and report suspected instances of child abuse.

Of the seven States which submitted proposed changes in their center standards, two reported that changes will include specific requirements for training of staff about child abuse. This training will include identification of symptoms of child abuse and information concerning reporting requirements.

(2) FAMILY AND GROUP DAY CARE HOMES

The Department's study of standards discovered five States which now require family day care home providers to have some training related to child abuse. Three States now mandate that group day care home providers have such training. The requirements of these States typically indicate that providers shall be trained about identifying and reporting child abuse.

B. SUPERVISION AND EVALUATION

1. DISCUSSION

Adequate on-going supervision and evaluation of the performance of day care staff, including the provision of appropriate feedback to staff from supervisors, is important to ensure good quality child care. As licensing staff prepare standards they must consider a number of factors regarding supervision. The amount of direction and control exercised over day care staff varies greatly depending on the experience and responsibilities of the person being supervised and the type of facility in which they are employed.

In addition, standards should ensure adequate supervision of day care staff to assure the protection of children from abuse and neglect. Adequate supervision of staff can result also in the provision of appropriate activities for the children, the identification of staff training needs, and the proper staff conduct with children. Staff assessment during the probationary period is a particularly important tool in screening out potentially problem staff, as noted in the previous section.

2. STATE STANDARDS: SUMMARY

The Comparative Licensing Study did not examine the specific topics of staff evaluation and supervision. The following information is from the Department's analysis of standards in effect in 1984.

a. DAY CARE CENTERS

The Department's review of the current standards of the fifty States shows that twenty-nine States address the issue of supervision of day care center staff. The thrust of many of the supervision requirements is to assure that adult caregivers supervise assistants or volunteers, especially minors (usually under the age of 18). While seven of the 29 States do not specifically mention in their standards the type of supervision to be provided, they do require that centers maintain written job descriptions or written personnel policies. These descriptions and policies frequently outline the type of supervision that employees receive.

Twelve States have requirements concerning job performance evaluations for center staff. For example, California requires that evaluations be used, in part, to determine necessary on-the-job training. Tennessee recommends that annual evaluations be performed for staff. Several other States include evaluation procedures in the written personnel policies which centers are required to develop and maintain.

b. FAMILY DAY CARE HOMES AND GROUP DAY CARE HOMES

The Department reviewed the State standards in 50 States with requirements for family day care homes and 23 States with requirements for group day care homes. Of these States, fifteen had supervision requirements for family day care homes and eight had such requirements for group day care homes. The typical requirement is that the provider must supervise aides 14 to 17 years old or that no one under 18 years of age is to be left alone with a child.

For family home providers, two States (New York and New Jersey) require annual evaluations of the providers' performance. In New York the State licensing agency does the yearly evaluation, while in New Jersey the sponsoring agency of the provider reevaluates the provider every twelve months. For group day care home providers, only Minnesota's standards include a provision about evaluation of performance.

VII. STAFF-CHILD RATIOS

A. DISCUSSION

In developing requirements for staff-child ratios, State regulators have to make difficult decisions based on competing considerations. The number of staff who must be employed to care for a given number of children is crucial in ensuring the safety of children in day care facilities. It is also the greatest cost factor in child care. As a result, staff-child ratios are an area of great diversity among the States, and the requirements developed by the States in this area tend to be more complex than regulations developed in other areas.

States must first decide whom to count in developing staff-child ratios. Since absences from day care are common, some States have adopted staff-child ratios based on the number of children enrolled in a program, while others count the average number of children who attend a program on a given day. There is also the question of which staff to count. Some States allow time spent by volunteers in the care of children to be counted, while others do not. Still others allow counting volunteers only if they work a specified number of hours per week. Some States count non-caregiver staff, such as day care center directors, while others do not. Some States allow only the time that non-caregiver staff spend in direct care of children to be counted.

Another issue is the question of group composition as it relates to the age of the children involved. Most States require a higher staff-child ratio for younger children. If a group includes children of mixed ages, some States base the staff-child ratio on the age of the youngest child in the group. Other States consider the average age of all the children in the group. There may also be State variation in required staff-child ratios based on the type of activity. For example, less staff may be required during outdoor play times and during nap time.

Generally, States have established a required staff-child ratio, primarily to ensure the children's health and safety. They have selected the number of staff necessary to avoid children being left unattended and the number of staff needed to evacuate a building in an emergency. Some States have also established ratios to encourage programs to provide appropriate developmental experiences for children.

In determining child-staff ratios States must consider the costs involved. First, States must determine what constitutes adequate staffing to protect children's health and safety and provide an appropriate program of activities. They also must consider the stress on staff who are responsible for large numbers of children, recognizing that stress can lead to inappropriate reactions to children's behavior. However, they know that if the State requirements for staff-child ratios are too stringent, the cost of care may exceed parent's ability to pay and result in children being placed in unregulated care. Each State considers its own circumstances in balancing the considerations of cost against the safety, health and program for children and the impact on staff.

B. STATE SUMMARIES

1. DAY CARE CENTERS

The 1981 Comparative Licensing Study gathered extensive information about State staff-child ratios for day care centers (see Appendix D). In addition, in 1981, at the request of Congress, the Department prepared the Report of the Assessment of Current State Practices in Day Care Programs funded by the Title XX of the Social Security Act. This report had a major emphasis on staff-child ratios. Summary tables from this report are included in Appendix E. The Department's review of day care standards/requirements in effect in 1984 found that staff-child ratios for day care centers have not changed significantly since 1981.

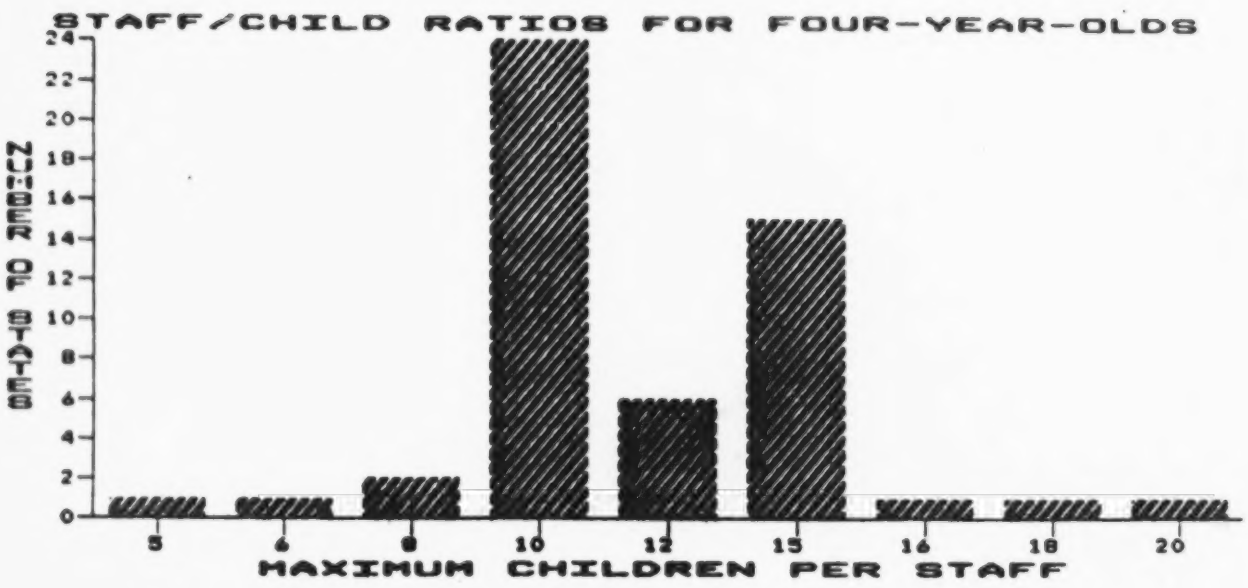
In general, States allow caregivers to look after more children the older those children are. This can be seen in Table 1 below. However, there is considerable variation among the States on the staff-child ratios established in State day care standards. For example, as the tables in Appendices D and E show, States range from a ratio of 5:1 to 20:1. However, relatively few States mandate staff-child ratios under 10:1 and relatively few permit ratios over 15:1.

TABLE 1 1/

A summary of the staff-child ratios for four-year-olds shown in the 1981 Comparative Licensing Study also demonstrates the variance among States on the standards they set for the number of children per caregiver. The results of that summary, depicted in Table 2, show the wide range of ratios among the States from 5:1 to 20:1. However, again relatively few States required staff-child ratios under 10:1 and also relatively few allowed ratios over 15:1.

1/ Adams, Diane; A Comparison of Licensing Standards of Selected States; February 1983.

TABLE 2



2. FAMILY DAY CARE HOMES

The most common State standard for staff-child ratios in family day care homes is the requirement that caregivers can provide care for no more than six children, including the provider's own children under the age of 12.

This requirement is also usually further restricted to stipulate that no more than two of the six children may be under the age of two. Approximately half the States adhere to this standard.

The 1981 Comparative Licensing Study found that the group size in family day care homes was significantly lower than the maximum allowed in the standard, or 3.8 children per family day care home. The Department finds that there have been relatively few changes in these ratios and group size since the 1981 Study. (See Appendix F for a listing of each State's ratios for family homes.)

3. GROUP DAY CARE HOMES

Among the 23 States that regulate group day care homes, the ratios of children to staff are somewhat higher than for family day care. The average requirement is 8 to 10 children maximum per staff person. However, in most cases this higher ratio applies only to night care, when the children are asleep. During the day, the requirements are similar to those for family day care. The findings of the Department's 1984 review of State standards are consistent with those shown in the 1981 Comparative Licensing Study. (See Appendix G for a table showing each State's ratios for group homes.)

VIII. APPENDICES

A. Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs, a division of the National Association for the Education of Young Children

B. Child Welfare League of America Standards for Day Care Service

C. Summary of Staff Qualifications by Job Classification

D. Summary of Staff Child Ratios for Day Care Centers

E. State Minimum Staff-Child Ratio Requirements for Title XX and Non-Title XX Funded Centers by Child Age and Pre-School Child Enrollment in Homes During Morning Hours

F. Summary of Staff-Child Ratios for Family Day Care Homes

G. Summary of Staff-Child Ratios for Group Day Care Homes

Appendices A and B were removed because of copyright restrictions.

APPENDIX C

SUMMARY OF STAFF QUALIFICATIONS

BY JOB CLASSIFICATION

QUALIFICATIONS OF STAFF: SUMMARY OF CLS FINDINGS[1/]

a. PROGRAM DIRECTORS, DAY CARE CENTERS

The 1981 Comparative Licensing Study found that most States require some sort of qualifications for persons who wish to direct day care centers. In specific areas:

i. Minimum Age:

18 States require Center Directors to be 21 or older;

14 States require Center Directors to be 18 or older;

6 States have a different standard -- 19, 16 or the age of majority; and,

15 States have no requirement regarding the age of day care center directors.

ii. Health:

39 States require an initial medical examination for prospective day care center directors;

31 States require additional periodic medical examinations;

37 States require that tests for tuberculosis be performed on prospective day care center directors;

32 States require additional periodic TB tests;

3 States require an initial examination for venereal disease; and,

2 States require additional periodic VD testing.

1/ This table summarizes the findings of the 1981 Comparative Licensing Study concerning staff-qualifications for day care centers, family day care homes and group day care homes.

iii. Education:

23 States require that day care center directors be high school graduates or hold a GED certificate;

3 States require an Associate of Arts degree;

8 States require a baccalaureate degree;

14 States require some form of education in child development;

3 States require a Master's degree; and,

11 States have no requirement regarding the education of day care center directors.

iv. Experience:

13 States allow day care center directors to substitute experience for education to prove their qualifications;

18 States require at least 2 years experience for day care center directors in such areas as child care or administration and management; and,

8 States have no specific requirements regarding the experience of day care center directors.

b. CHILD CAREGIVERS, DAY CARE CENTERS

i. Minimum Age:

4 States require child caregivers in day care centers to be 21 years of age or older;

25 States require caregivers to be at least 18;

7 States require caregivers to be at least 16; and,

12 States have no standard regarding the age of child caregivers in day care centers.

ii. Health:

45 States require an initial medical examination for child caregivers in day care centers;

38 States require subsequent periodic medical examinations;

44 States require initial testing for tuberculosis;

38 States require subsequent periodic TB testing;

3 States require an initial examination for venereal disease; and,

2 States require subsequent periodic testing for VD.

iii. Education:

5 States require that child caregivers in day care centers be able to read and write;

21 States require a high school diploma or GED;

7 States require an associate or bachelor's degree;

17 States require some education specifically related to child development; and,

13 States have no requirement regarding the education of child caregivers in day care centers.

iv. Experience:

13 States require that child caregivers in day care centers have some prior experience in child care;

10 additional States have an experience requirement for child caregivers; and,

16 States have no requirement relating to the experience of child caregivers.

c. SUPPORT STAFF IN DAY CARE CENTERS

i. Type of staff to whom requirements apply:

18 States have requirements which apply to volunteers in day care centers;

12 States have requirements which apply to caregiver aides; and,

10 States have requirements which apply to food service workers.

ii. Types of requirements:

12 States have age requirements pertaining to support staff;

13 States require some medical screening; and,

9 States have specific requirements concerning the education or experience of support staff.

d. PROGRAM DIRECTORS, FAMILY DAY CARE HOMES

(NOTE: 6 STATES DO NOT REGULATE FAMILY DAY CARE.)

i. Minimum Age:

27 States require that program directors in family day care homes be at least 18 years of age;

4 States require program directors to be 21;

5 States have some other requirement; and,

18 States have no specific requirement.

ii. Health:

34 States require an initial medical examination for program directors;

22 States require additional periodic medical examinations;

31 States require initial tuberculosis screening; and,

18 States require additional periodic TB tests.

iii. Education:

28 States have no specific requirement regarding the education of program directors in family day care homes;

4 States require specific education in child development; and,

8 States require literacy or some level of education between first and eleventh grade.

iv. Experience:

29 States have no specific requirement for experience; and,

9 States require some experience for program directors; of these, 4 require specific experience in child care.

e. CHILD CAREGIVERS, FAMILY DAY CARE HOMES

i. Minimum Age:

25 States require that caregivers in family day care homes be 18 years of age;

8 States use some other standard; and,

14 States have no standard.

ii. Health:

30 States require initial medical examinations and testing for tuberculosis;

19 States require additional periodic medical exams and TB tests.

iii. Education:

6 States require that caregivers be literate;

3 States require child development courses for caregivers in family day care; and,

31 States have no education requirement for caregivers.

iv. Experience:

7 States require some experience for caregivers; of these, 3 States require specific experience in child care;

29 States have no experience requirements for caregivers or do not license, register or certify family day care.

f. PROGRAM DIRECTORS AND CHILD CAREGIVERS, GROUP DAY CARE HOMES

NOTE: 36 STATES DO NOT HAVE SEPARATE STANDARDS FOR GROUP DAY CARE HOMES: THE INFORMATION BELOW PERTAINS TO THE 14 STATES THAT DO. THE STANDARDS FOR PROGRAM DIRECTORS AND CHILD CAREGIVERS ARE SIMILAR.

i. Minimum Age:

9 States require that program directors or child caregivers in group day care homes be at least 18 years of age;

3 States set some other standard; and,

3 States have no specific standard.

ii. Health:

14 States require an initial medical examination; 13 of these also require screening for tuberculosis;

9 States require periodic medical exams and 10 States require periodic TB screening.

iii. Education:

6 States require literacy or set an education standard between grades 1 and 11;

3 States require high school or a GED;

3 States require specific training in child development.

iv. Experience:

7 States set a standard for experience for program directors or caregivers in group day care homes; and,

6 States require specific experience in child care for program directors and 4 States require child care experience for caregivers.

APPENDIX D

STAFF-CHILD RATIO REQUIREMENTS

SUMMARY TABLES

DAY CARE CENTERS

From the Comparative Licensing Study: Profiles of State Day Care Licensing Requirements
Prepared by Lawrence Johnson and Associates, Inc.
Published November, 1982

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Alabama		3 weeks - 2½ years	6	1	Children younger than 2½ years shall be grouped separately.	✓		✓		✓
		2½ - 4 years	10	1	When multi-age grouping is used, staff-child ratio shall be according to the age of the youngest child if more than 10% of the children are in the youngest age category.					
		4 - 6 years	20	1						
		6 - 8 years	22	1						
		8+ years	25	1						
Alaska		6 weeks - 24 months	5	1	No children between birth and 6 weeks may receive care in a day care center.					✓
		2 - 6 years	10	1	For any day care center, when more than 10 children are present, there must be two caregivers on the premises.					
		6 -10 years	15	1						
		10 -14 years	20	1						
Arizona		0 - 12 months or 0-18 months and not walking	8	1	When the number of children on the premises exceeds 10, there must be a minimum of two staff members on duty.					✓
		12 -18 months-3 years	10	1	In groups of mixed age, the maximum number of children per staff member shall be that required for the youngest child in the group.					
		3 - 4 years	15	1						
		4 - 5 years	20	1						
		5+ years	25	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Arkansas		6 weeks - 18 months	6	1	In mixed age groupings, staff/child ratio shall meet the requirements for the youngest child in the group.					✓
		2½ - 3 years	12	1						
		4 years	15	1						
		5 years - first grade	18	1						
		First grade	25	1						
California		0 - 2 years	4	1	If infant nursery has more than 25 infants enrolled, there must be both an asst. director and a director.					
		2 - 18 years	12	1	Ratio is an overall ratio for the entire facility.					
Colorado		6 weeks - 18 months	5	1						
		12 months - 36 months	5	1	Children must be walking independently, or the 6 weeks - 18 months staff/child ratio applies.					
		2 years	7	1	Ratio applies if group is limited to 2 year olds.					
		2½ - 3 years	8	1	In mixed groupings, the staff/child ratio for the youngest child shall apply					
		3 - 4 years	10	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Colorado (cont.)		4 - 5 years	12	1	If more than 20% of the group is composed of younger children.					
		5+ years	15	1						
		2½ - 6 years (mixed group)	10	1						
Connecticut	✓									
Delaware		0 - 1 year (or walking)	5	1	Staff/child ratio shall be determined by the predominant age of the children in in the group.					✓
		1 year (or walking) - 2½ years	8	1						
		2½ - 4 years	15	1						
		4 - 6 years	20	1						
		6 - 18 years	25	1						
District of Columbia		2 - 2½ years	4	1						✓
		2½ - 3 years	8	1						
		4 years	10	1						
		5 years	15	1						
		6 - 14 years	15	1						
Florida		Under 1 year	6	1	In mixed age groupings where children under 1 year are included, the staff/child ratio shall be six children to one staff member. When infants over 1 year are included, the		✓			✓
		1 year	8	1						
		2 years	12	1						

States	Not Specified	Staff/Child Ratio as of March, 1981			Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Florida (cont.)		3 years	15	1	staff/child ratio shall be 8:1.					
		4 years	20	1	When no infants are included the staff/child ratio shall					
		5+ years	25	1	be based on the age of the majority of the children in the group.					
Georgia		0 - 18 months	5-7	1						✓
		18 months - 3 years	8-10	1						
		3 - 4 years	10-15	1						
		4 - 5 years	15-18	1						
		5 - 6 years	15-20	1						
		7+ years	20-25	1						
Guam		Under 1 year	5	1	In mixed age groupings, the staff/child ratio shall be					✓
		1 - 2 years	8	1	that of the youngest child in the group.					
		2 - 3 years	10	1						
		3 - 4 years	15	1						
		4 - 5 years	20	1						
		5+ years	25	1						
Hawaii		2 - 3 years	10	1	In mixed age groupings, the staff/child ratio shall be					✓
		3 - 4 years	15	1	that of the youngest child in the group.					

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Hawaii (cont.)		4 - 5 years	20	1						
		5+ years	25	1						
Idaho		Preschool	10	1						✓
Illinois		Infants	4	1						✓
		Toddlers	5	1						
		3 - 4 years	20	2	Children under 2 years shall not be included in groups of older children.					
		4 years (full day)	20	2						
		4 years (half day or less)	20	1	No more than six 2 year olds or nine 3 year olds shall be included in a group of children of mixed ages.					
		5+ years	25	1						
		3 - 6 years (mixed ages)	20	2						
		2 - 6 years (mixed ages)	15	2						
Indiana		Infants	4	1	In groups of mixed age, the maximum number of children per staff member shall be that required for the youngest child in the group.					✓
		Toddlers	5	1						
		3 years	10	1						
		4 years	12	1						
		5 years	15	1						

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Indiana (cont.)		6+ years	20	1						
Iowa		2 weeks - 2 years	4	1	Regardless of staff/child ratio, when there are seven or more children 5 years of age or younger, there must be two people on duty.					✓
		2 years	6	1						
		3 years	8	1						
		4 years	12	1	In groups of mixed age, the maximum number of children per staff member shall be that required for the youngest child in the group.					
		5 - 10 years	15	1						
		10+ years	20	1						
Kansas		2 weeks - 18 months	3	1	Only persons who spend at least 75% of their time when at the center in providing direct care for children shall be counted in staff/child ratio.		✓			✓
		18 months - 2½ years	5	1						
		3 - 4 years	10	1						
		4 years - kindergarten entrance	10 12	1 1	Ratio applies for full day care. Ratio applies to part-time care.					
		Kindergarten	14	1						
		Mixed Ages:								
		Infants - 6 years	4	1	Maximum of two infants is allowed.					
		2½ - 16 years	9	1						
		3 - 16 years	10	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Kentucky		Under 1 year	6	1	When only one staff member is present in the facility, the age of the youngest child determines the staff/child ratio.					✓
		1 - 2 years	6	1						
		2 - 3 years	8	1						
		3 - 4 years	10	1						
		4 - 5 years	12	1						
		5 - 7 years	15	1						
		8+ years	20	1						
		Mixed Ages: Including Children Under 2 Years	6	1	Ratio applies for facilities where more than one staff member is present.					
		2 - 6 years	10	1						
		6+ years	15	1						
Louisiana		Centers Serving Fewer Than 10 Children:								✓
		0+ years	10	1	Ratio applies if no more than two children are under age 2.					
			10	2	Ratio applies if three or more children are under age 2.					

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
		Centers Serving More Than 10 Children:								
		Under 1 year	6	1	When a center serves children of mixed ages excluding children under 2 years, an average of the staff/child ratio may be applied.					
		1 year	8	1						
		2 years	12	1						
		3 years	14	1						
		4 years	16	1						
		5 years	20	1						
		School age	25	1						
Maine		2½ - 3 years	8	1	When there is a combination of ages within a group, the number of required staff shall be determined on the basis of the age of the youngest child.					
		3 - 4 years	10	1						
		4+ years	15	1						
		Separate School-age Programs:	10	1						

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Maryland		2 years	6	1						
		3 - 4 years	10	1						
		5 years	13	1						
		Mixed Ages:								
		2+ years	10	1	The group may have no more than three 2 year old children.					
			10	2	This ratio applies if there are four or more 2 year old children.					
		3 - 6 years	10	1						
Massachusetts		Infants	3	1	Children younger than 2 years, 9 months shall not be grouped with older children.		✓			✓
		Toddlers	4	1						
		2 years, 9 months - 4 years, 9 months	10	1	Ratio applies to full day care.					
			12	1	Ratio applies to care less than four hours.					
		4 years, 9 months - 7 years	15	1						
		Mixed Ages:								
		2 years, 9 months - 7 years	10	1						
Michigan		2 weeks - 2½ years	4	1	A minimum of two staff members must be present in the center whenever seven or more children are present.					✓
		2½ - 3 years	10	1						

States	Staff/Child Ratio Requirements									
	Staff/Child Ratio as of March, 1981					Special Requirements			Methods of Computing	
	Not Specified	Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Michigan (cont.)		4 - 5 years	12	1						
		6 - 12 years	20	1						
		13 - 17 years	30	1						
		Mixed Ages: 2½ - 5 years	10	1						
Minnesota		6 weeks - 15 months	4	1		✓				✓
		16 months - 30 months	7	1						
		31 months - 5 years	10	1	There may be no more than 10 2½ year olds in the group.					
		6 - 12 years	15	1						
Mississippi	✓									
Missouri		6 weeks - 2 years	4	1						✓
		2 - 3 years	8	1						
		6 weeks - 3 years	4	1						
		3 - 5 years	10	1						
		5+ years	15	1						
		Mixed Ages: 2+ years	10	1	There may be no more than four 2 year olds.					
Montana		2+ years	10	1	There must be two staff members present at all times.					

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1961				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Nebraska		6 weeks - 2 years	4	1	There must be 2 staff persons on the premises at all times.					✓
		2 years	5	1						
		3 - 5 years	10	1						
		6+ years (or first grade)	12	1						
Nevada		0 - 9 months	4	1	With mixed groups of children under 3 years, staff/child ratio is determined by computing the average of their ages.					✓
		9 - 18 months	6	1						
		18 months - 3 years	8	1						
		2 years	10	1						
			21	2						
			32	3						
		3+ years	5	1						
			20	2						
			35	3						
			50	4						
			65	5						
			80	6						
			93	7						

States	Staff/Child Ratio Requirements										
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
New Hampshire		3 years	10	1						✓
		4 years	15	1						
		5 years	18	1						
		6+ years	20	1						
New Jersey		2 years	10	1			✓	✓		✓
		3 years	10	1						
		4 years	15	1						
New Mexico		0 - 2 years	7	1						✓
		2 - 4 years	15	1						
		4+ years	20	1						
New York		8 weeks - 1½ years	4	1	Children under 3 years of age shall not be grouped with children older than three years.				✓	
		1½ - 3 years	5	1						
		3 years	7	1	In mixed age groupings, the staff/child ratio shall be that for the youngest child in the group.					
		4 years	8	1						
		5 years	9	1						
		6 - 10 years	10	1	Staff/child ratio is less for groups larger than that specified in Section 420.					
		10 - 14 years	15	1						

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
North Carolina		Lowest license								
		0 - 2 years	8	1	Other staff/child ratio requirements apply to facilities for fewer than 30 children.					✓
		2 - 3 years	12	1						
		3 - 4 years	15	1						
		4 - 5 years	20	1						
		5+ years	25	1						
		Highest license								
		0 - 1 year	6	1	Children under 2 years must be separated from older children.					
		1 - 2 years	7	1						
		2 - 3 years	9	1						
		3 - 4 years	10	1						
		4 - 5 years	13	1						
		5 - 6 years	15	1						
		6+ years	20	1						
North Dakota		0 - 3 years	4	1						✓
		3+ years	6	1						
Ohio		0 - 18 months	8	1	The age of the youngest child in the group is used in determining staff/child ratio.					✓
		18 months - 3 years	10	1						
		3 - 5 years	15	1						

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Ohio (cont.)		5+ years	20	1						
Oklahoma		Straight Age Grouping:			When children of multiple ages are grouped together, their ages are averaged to determine staff/child ratio.					✓
		10 months - 2 years	6	1						
		2 - 3 years	8	1						
		3 - 4 years	12	1						
		4 - 6 years	15	1						
		6+ years	20	1						
Oregon		6 weeks - 30 months	4	1						✓
		30 months - 4 years	10	1						
		5 - 9 years	15	1						
		10 - 14 years	20	1						
Pennsylvania		Straight Age Grouping:				✓	✓			✓
		18 - 36 months	5	1						
		36 months - first grade	10	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Pennsylvania (cont.)		First grade+	12	1						
		Mixed Age Grouping:								
		0 - 36 months	4	1						
		0 - first grade	6	1	No more than three children may be under 36 months.					
		0+ years	6	1	No more than three children may be under 36 months.					
		36 months - school age	10	1	No more than six children may be preschoolers.					
Puerto Rico		2 - 3½ years	8	1			✓			✓
		3½+ years	15	1						
Rhode Island		3 years	10	1	There must be a head teacher on the premises at all times in addition to the staff fulfilling staff/child ratio requirements.					✓
		4 years								
		5 years	25	1						
South Carolina		0 - 2 years	8	1					✓	
		2 - 3 years	12	1						
		3 - 4 years	15	1						
		4 - 5 years	20	1						
		5+ years	25	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Count used	Attendance
South Dakota		0 - 3 years	5	1						✓
		3 - 6 years	8	1	A minimum of two adults shall be present at all times.					
		6 - 14 years	10	1						
Tennessee		under 15 months	5	1						
		15 - 35 months	8	1						
		3 years	10	1	Staff/child ratios may be exceeded up to 10% for no more than three days per week					✓
		4 years	15	1						
		5 years	25	1						
		2 - 5 years	10	1						
		3 - 5 years	15	1						
		4 - 5 years	20	1						
		2 - 12 years	10	1						
Texas		Day Care Centers:								
		0 - 11 months	5	1	When there is a child younger than 18 months in the group, the oldest child in the group shall not be more than 18 months older than the youngest child in the group.	✓	✓	✓		✓
			12	2						
		12 - 17 months	6	1						
			14	2						
		18+ months	9	1	Ratios apply: if there are four or more children under 2 years of age.					

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment / Attendance
Texas (cont.)		18+ months	10	1	if there are not more than three children under 2 years.				
		2+ years	11	1	if there are five or more 2 year olds.				
		2+ years	13	1	if there are more than four 2 year olds.				
		3+ years	15	1	if there are seven or more 3 year olds.				
		3+ years	17	1	if there are no more than six 3 year olds.				
		4+ years	18	1	if there are 11 or more 4 year olds.				
		4+ years	20	1	if there are more than 10 4 year olds.				
		5+ years	22	1	if there are 13 or more 5 year olds.				
		5+ years	24	1	if there are no more than 12 5 year olds.				
		6+ years	26	1					
		Kindergartens and Nursery Schools:							
		2 years	11	1	If there are 5 or more 2 year olds.				

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Texas (cont.)		2+ years	13	1	if there are no more than four 2 year olds.					
		3+ years	15	1	if there are seven or more 3 year olds.					
		3+ years	17	1	if there are no more than six 3 year olds.					
		4+ years	18	1	if there are 11 or more 4 year olds.					
		4+ years	20	1	if there are no more than 10 4 year olds.					
		5+ years	24	1	if there are 13 or more 5 year olds.					
		5+ years	26	1	if there are no more than 12 5 year olds.					
		6+ years	28	1						
		Kindergarten	24	1						
		First - third grade	28	1						
		Fourth grade	32	1						
Utah		0 - 2 years	4	1	When four or more infants are in care, two caregivers must be present.					✓
		2 - 3 years	7	1						
		3 - 4 years	15	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Utah (cont.)		4 - 5 years	15	1						
		5 - 6 years	20	1						
		6 - 14 years	25	1						
Vermont		0 - 2 years	5	1	A minimum of two adults must be present when the number of children exceeds six.					✓
		2 - 3 years	5	1						
		3 - 5 years	10	1						
		6 - 15 years	12	1						
		Kindergarten & Nursery Schools:								
		3 years	10	1						
		4 years	12	1						
		5 years	15	1						
Virgin Islands		0+ years	15	1						✓
			25	3						
Virginia		0+ years	10	1	There must be two staff members present at all times.					✓
Washington		1 - 11 months	5	1	When there are more than 10 children on the premises, there must be two staff on duty.					✓
		12 - 29 months	7	1						
		30+ months	10	1						

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
West Virginia		3 months - 2 years	4	1						✓
		2 years	8	1	At least two staff members must be on duty at all times.					
		3 years	10	1						
		4 years	12	1						
		5 years	15	1						
		School-age	16	1						
Wisconsin		0 - 1 year	3	1	When children under 2½ years are part of a mixed age group, staff/child ratio shall be that for the youngest child in the group. Otherwise, staff/child ratio shall be adjusted on a prorata basis according to age.					✓
		1 - 2 years	4	1						
		2 - 2½ years	6	1						
		2½ - 3 years	8	1						
		3 - 4 years	10	1						
		4 - 5 years	12	1						
		5+ years	16	1						
Wyoming		0 - 2 years	5	1	There must be two staff members at the facility at all times.		✓			✓
		2 - 3 years	8	1						
		3 - 4 years	10	1	When mixed age groupings are used, the age of the youngest determines the staff/child ratio.					
		4 - 5 years	15	1						

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981			Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Wyoming (cont.)		5 - 6 years	20	1						
		6+ years	25	1						

APPENDIX E

STATE MINIMUM STAFF-CHILD RATIO REQUIREMENTS FOR
TITLE XX AND NON-TITLE XX FUNDED CENTERS
BY CHILD AGE AND
PRE-SCHOOL CHILD ENROLLMENT IN HOMES
DURING MORNING HOURS

From the Report to Congress: Summary Report
of the Assessment of Current State Practices
in Title XX Funded Day Care Programs

Prepared by the U.S. Department of Health and Human Services
October 1981

TABLE 14: STATE MINIMUM STAFF/CHILD RATIO REQUIREMENTS FOR TITLE XX AND NON-TITLE XX FUNDED CENTERS BY CHILD AGE (CHILDREN PER CAREGIVER)

STATE	TITLE XX CENTERS							NON-TITLE XX CENTERS (STATE LICENSING REQUIREMENT)						
	UNDER ONE YEAR	ONE YEAR	TWO YEARS	THREE YEARS	FOUR YEARS	FIVE YEARS	SIX YEARS AND OLDER	UNDER ONE YEAR	ONE YEAR	TWO YEARS	THREE YEARS	FOUR YEARS	FIVE YEARS	SIX YEARS AND OLDER
ALABAMA	1a-6	6	6	9	9	9	16	1a-6	6	6	9	9	9	16
ALASKA	NO TITLE XX DAY CARE							NO TITLE XX DAY CARE						
ARIZONA	8	10	10	15	20	25	25	8	10	10	15	20	25	25
ARKANSAS	6	6	6	5	6	6	7	6	6-9b	9	12	15	18	25
CALIFORNIA	3	3	4	8	8	8	14	4	4	12	12	12	12	12
COLORADO	5	5	5	7	10	10	13	5	5	5-8c	10	12	15	15
CONNECTICUT	4	4	4	7.5	7.5	7.5	15	b	b	b	b	b	b	b
DELAWARE	1a-4	4	4	5	7	7	10	5	8	8-15c	15	20	20	25
D.C.	4	4	4-8c	8	10	15	15	4	4	4-8c	8	10	15	15
FLORIDA	5	5	10	10	10	10	15	6	8	12	15	20	25	25
GEORGIA	3	3	4	5	5	5	N	7	9	10	15	18	18	N
HAWAII	NC	NC	10	15	20	25	25	NC	NC	10	15	20	25	25
IDAHO	6	6-8c	8	10	10	10	15	6	6-8c	8	10	10	10	15
ILLINOIS	6	6	8	10	10	25	25	6	6	8	10	10	25	25
INDIANA	4	4	5	10	12	15	20	4	4	5	10	12	15	20
IOWA	4	4	6	8	12	15	15	4	4	6	8	12	15	15
KANSAS	3	3	4-5c	9	9	9	16	3	3	5	10	10	10	10
KENTUCKY	6	6	8	10	12	15	15-20c	6	6	8	10	12	15	15-20c
LOUISIANA	6	8	12	14	16	20	25	6d	8d	12d	14d	16d	20d	25d
MAINE	NC	NC	10	15	15	10	10	NC	NC	10	15	15	10	10
MARYLAND	REPORT ATTACHED							REPORT ATTACHED						
MASSACHUSETTS	3	4	4	10	10	15	15	3	4	4	10	10	15	15
MICHIGAN	4	4	4-10c	10	12	12	20	4	4	4-10c	10	12	12	20
MINNESOTA	4	4-5c	5	7	7	7	15	4	4-7b	7	7-10c	10	10	15
MISSISSIPPI	4	4	4	6	8	9	9	N	N	N	N	N	N	N
MISSOURI	NO REPORT							NO REPORT						
MONTANA	10e	10e	10e	10e	10e	10e	10e	10e	10e	10e	10e	10e	10e	10e
NEBRASKA	4	4	5	10	10	10	12	4	4	5	10	10	10	12
NEVADA	4-6c	6-8c	10	13	13	13	20	4-6c	6-8c	10	13	13	13	20
NEW HAMPSHIRE	4	4	4	5	7	7	15	4	4	4	10	15	18	20
NEW JERSEY	3	3	4	9	9	9	16	N	N	10	10	15	16	16
NEW MEXICO	NO REPORT							NO REPORT						
NEW YORK	4	4-6c	5-6c	7	8	9	10	4	4-6c	5-6c	7	8	9	10
NORTH CAROLINA	5	6	7	7	12	15	20	8f	8f	12f	15f	20f	25f	25f
NORTH DAKOTA	4	4	5	7	10	12	12	4	4	5	7	10	12	12
OHIO	3	3	4	8	8	8	16	8	8-10c	10	15	15	20	20
OKLAHOMA	4-6b	6	8	12	15	15	20	4-6b	6	8	12	15	15	20
OREGON	4	4	4-10c	10	10	15	15	4	4	4-10c	10	10	15	15
PENNSYLVANIA	4	4	5	10	10	10	12	4	4	5	10	10	10	12
RHODE ISLAND	NC	NC	NC	10	10	10	14	NC	NC	NC	10	10	10	14
SOUTH CAROLINA	4-8g	5-8g	7-12g	11-15g	13-20g	15-25g	15-25g	8	8	12	15	20	25	N
SOUTH DAKOTA	5	5	5	8	8	8	10	5	5	5	8	8	8	10
TENNESSEE	4	4	4	9	9	9	18	5	5	8	8	15	25	25
TEXAS	4	4	4	9	9	9	16	6	10	13	17	20	24	26
UTAH	NC	NC	7	15	15	20	25	NC	NC	7	15	15	20	25
VERMONT	4	4	5	10	10	10	12	4	4	5	10	10	10	12
VIRGINIA	4	4	4	15	20	20	25	4	4	10	10	10	10	25
WASHINGTON	5	7	7-10c	10	15	15	15	5	7	7-10c	10	15	15	15
WEST VIRGINIA	4	4	8	10	12	15	16	4	4	8	10	12	15	16
WISCONSIN	3	3	4	8	8	8	14	3	4	6-8c	10	12	16	16
WYOMING	5	5	8	10	15	20	25	5	5	8	10	15	20	25
U.S. MEDIAN	3.7	4.1	5.8	9.6	9.9	10.0	14.7	4.6	5.3	7.9	10.0	11.9	13.9	16.7

N = NO STAFF/CHILD RATIO REQUIREMENT
NC = NO CENTER CARE ALLOWED FOR THIS AGE CHILD

a = STAFF/CHILD RATIO FOR UNDER 6 WEEKS OLD
b = AT LEAST 2 STAFF WITH EACH GROUP; NO RATIO REQUIREMENT
c = DIFFERENT AGE CATEGORY DESIGNATION
d = LICENSING OF CENTERS IS NOT MANDATORY
e = AT LEAST 2 STAFF MUST BE PRESENT IN THE CENTER
f = 1:10 RATIO REQUIREMENT FOR CENTERS WITH LESS THAN 30 CHILDREN
g = RATIO VARIES WITH PERCENTAGE OF TITLE XX CHILDREN

TABLE 27: PRE-SCHOOL CHILD ENROLLMENT IN HOMES DURING MORNING HOURS
(PERCENTAGE OF TITLE XX HOMES)

STATE	ONE CHILD(%)	TWO TO THREE CHILDREN(%)	FOUR TO FIVE CHILDREN(%)	SIX CHILDREN(%)	SEVEN TO TWELVE CHILDREN(%)
ALABAMA a	21	32	32	2	2
ALASKA	NO TITLE XX DAY CARE				
ARIZONA	NA	NA	NA	NA	NA
ARKANSAS	0	9	48	17	26
CALIFORNIA	NA	NA	NA	NA	NA
COLORADO	4	27	48	16	5
CONNECTICUT	NA	NA	NA	NA	NA
DELAWARE b	17	24	40	2	4
D.C.	7	48	45	0	0
FLORIDA	0	1	99	0	0
GEORGIA	0	9	48	35	8
HAWAII	-	-	-	-	-
IDAHO	13	20	20	27	20
ILLINOIS	2	20	42	23	13
INDIANA	0	13	26	9	52
IOWA	8	29	40	17	6
KANSAS	10	22	47	14	7
KENTUCKY	0	0	11	17	72
LOUISIANA	22	53	16	3	6
MAINE	1	27	43	17	12
MARYLAND	REPORT ATTACHED				
MASSACHUSETTS	18	28	36	16	2
MICHIGAN a	14	38	29	8	5
MINNESOTA	NA	NA	NA	NA	NA
MISSISSIPPI	0	13	87	0	0
MISSOURI	NO REPORT				
MONTANA	21	26	23	23	7
NEBRASKA	NA	NA	NA	NA	NA
NEVADA	0	0	33	50	17
NEW HAMPSHIRE	0	33	20	25	22
NEW JERSEY	13	34	23	4	26
NEW MEXICO	NO REPORT				
NEW YORK	NA	NA	NA	NA	NA
NORTH CAROLINA	7	36	52	2	3
NORTH DAKOTA	0	33	50	17	0
OHIO	5	14	53	26	2
OKLAHOMA	5	38	56	0	0
OREGON b	8	33	22	8	11
PENNSYLVANIA	NA	NA	NA	NA	3
RHODE ISLAND a	14	25	20	0	1
SOUTH CAROLINA	0	0	100	0	0
SOUTH DAKOTA	22	20	24	10	24
TENNESSEE b	2	28	43	3	20
TEXAS	1	42	49	7	1
UTAH	1	31	36	19	13
VERMONT	13	23	40	11	13
VIRGINIA	24	53	13	6	4
WASHINGTON	7	26	38	12	17
WEST VIRGINIA	33	51	11	5	0
WISCONSIN	NA	NA	NA	NA	NA
WYOMING	4	30	33	18	15
U.S. MEDIAN %					

NA = NOT AVAILABLE

- = DOES NOT APPLY (NO CHILDREN SERVED)

a = DOES NOT EQUAL 100% SINCE HOMES SERVING SCHOOL AGE CHILDREN ONLY ARE NOT INCLUDED

b = DOES NOT EQUAL 100% SINCE SOME HOMES SERVED NO CHILDREN ON THE DAY OF THE SURVEY

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APPENDIX F

STAFF-CHILD RATIO REQUIREMENTS

SUMMARY TABLES

FAMILY DAY CARE HOMES

From the Comparative Licensing Study: Profiles of State Day Care Licensing Requirements
Prepared by Lawrence Johnson and Associates, Inc.
Published November, 1982

States	Staff/Child Ratio Requirements					Special Requirements			Methods of Computing	
	Required	Staff/Child Ratio as of March, 1981								
	Spec.	Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Alabama		0 - 6 years	6	1						✓
Alaska		0 - 14 years	8	1	No more than two children may be under age 2, no more than five children may be unrelated to the caregiver, and no more than eight children may be under age 12.					✓
		2 - 14 years	10	1	No more than six children may be unrelated to the caregiver.					
Arizona*										
Arkansas		0+ years	5-6	1	Children must be from five or more families and no more than three children may be under 2½ years.					✓
		0+ years	7	1	No more than two children may be under 2½ years.					
		0+ years	8	1	No more than one child may be under 2½ years.					
		0+ years	9-14	2	No more than four children may be under 2½ years.					
		0+ years	15-16	2	No more than two children may be under 2½ years. The provider's own children are counted in computing staff/child ratio.					

* Not regulated

States	Staff/Child Ratio Requirements									
	Required	Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
			Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
California			0+ years	6	1	There may be no more than two infants. The provider's own children under 12 years old are counted in staff/child ratio.					
Colorado			Birth - 2½ years	4	1	Variable ratio of children under 1 year to children between 1 and 2½ years.					✓
			Birth - 2½ years	6	2	No more than three children shall be between birth and 1 year.					
			2½+ years	6	1	An additional two school age children may be accepted for care, except during summer vacations. Staff/child ratios include the provider's own children.					
Connecticut			0+ years	6	1	No more than two children shall be under age 2. Otherwise, staff/child ratio is 1:5.					✓
Delaware			0+ years	6	1	No more than three infants shall be cared for by one person. The provider's own children are included in staff/child ratio.					

* Not regulated

States	Staff/Child Ratio Requirements									
	Required Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
District of Columbia		0+ years	5	1	No more than two infants shall be in care. Staff/child ratio includes the provider's own children.					✓
Florida	✓									
Georgia		0+ years	6	1	When there are three or more children under 2½ years in care in addition to older children, there shall be an additional staff person. Staff/child ratio includes the provider's own children.					✓
Guam		Infancy - 6 years	5	1	No more than two children may be under 2 years of age.					✓
		3 - 14 years	6	1	All staff/child ratios include the provider's own children under 14 years old.					
Hawaii		0+ years	5	1	Does not include the provider's own children. However, no more than eight children, including the provider's own may be cared for. Unless a second care-giver is present, no more than two children under age two may be cared for including the provider's own children.					✓

* Not regulated

States	Staff/Child Ratio Requirements										
	Required	Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
			Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Idaho			0+ years	6	1	Does not include the provider's own children. No more than 10 children, including the provider's own children, may be in care.					✓
Illinois			0+ years	8	1	Unless a second caregiver is present, no more than four may be under 5 years old, and no more than two may be under 2 years old.					✓
Indiana			0+ years	6	1	Does not include the provider's own children. No more than 10 children may be in care including the provider's own.					✓
Iowa			0+ years	6	1	Includes the provider's own children except those who regularly attend school. No more than four children under 2 years of age may be in care.					✓

States	Staff/Child Ratio Requirements										
	Required	Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
			Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Kansas			0+ years	6	1	The number of children is reduced by one for each infant in care in excess of one infant. Four additional school age children may be enrolled for care. Staff/child ratio includes the provider's own children.					✓
Kentucky			Under 1 year	6	1	When only one staff member is present in the facility, the age of the youngest child determines the staff/child ratio. The provider's own children are included in computing staff/child ratio.					✓
			1 - 2 years	6	1						
			2 - 3 years	8	1						
			3 - 4 years	10	1						
			4+ years	12	1						
Louisiana*											
Maine*											

* Not regulated

States	Staff/Child Ratio Requirements									
	Required Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Maryland	✓									
Massachusetts		0+ years	6	1	Includes provider's own children. No more than two children under 2 years of age may be in care.					✓
Michigan		0+ years	6	1	Includes the provider's own children. No more than two children in care may be under 12 months.					✓
Minnesota		0+ years	5	1	Includes the provider's own children. If more than two infants are in care, staff/child ratio is 1:4. Two additional school-age children may be in care for limited times.					✓
Mississippi	✓									
Missouri		0+ years	6	1	No more than three children the age of 2 may be in care.					✓
Montana		0+ years	6	1	Includes the provider's own children. No more than 2 children under 2 years of age shall be in care.					✓

States	Staff/Child Ratio Requirements									
	Required Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Nebraska		Infants	4	1	Applies only when care is given only to infants; includes provider's own children under 8 years.					✓
		School-age	10	1	Applies only when care is given only to school-age children; includes caregiver's own children under 8 years.					
		0+ years	8	1	Includes caregiver's own children under 8 years; no more than two children may be under 18 months.					
Nevada		0+ years	6	1						✓
New Hampshire		0+ years	6	1	Ratio applies if: no more than two children are under 2½ years and no more than one child is between 1½ and 3 years.					✓
		0+ years	4	1	no more than two children are under 1½ years and no more than four children are under 3 years.					
		3+ years	6	1						
		0+ years	12	2	no more than three children are under 18 months.					
New Jersey*										
New Mexico*										

* Not regulated

States	Staff/Child Ratio Requirements					Special Requirements			Methods of Computing	
	Required Spec.	Staff/Child Ratio as of March, 1981								
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
New York		0+ years	6	1	No more than two children under 2 years of age may be in care. Where one or more of the children is under 3 years, no more than five children may be in care.					✓
North Carolina		0+ years	6	1						✓
North Dakota		0+ years	6	1	No more than three children may be under the age of 2.		✓			✓
		0+ - 2 years	4	1	The provider's own children over the age of 6 years may also be in care.					
		2+ years	7	1	An additional three school age children may also be in care.					
		0+ years	12	2	No more than six children may be under the age of 2.					
		0 - 2 years	8	2	The provider's own children over the age of 6 years may also be in care.					
					The provider's own children under age 6 are counted in staff/child ratio.					
Ohio*										
Oklahoma		0+ years	5	1	Includes provider's own children.					

States	Staff/Child Ratio Requirements										
	Required Spec.	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enroll ment	Attendance
Oregon		3+ years	6	1						✓
		0+ years	5	1	No more than two children may be under 2 years old.					
Pennsylvania		0+ years	6	1	No more than four children may be under 36 months.					✓
Puerto Rico	✓									
Rhode Island	✓									
South Carolina		0+ years	6	2	Includes the provider's own children.					✓
South Dakota		0 - 3 years	4	1	Applies only to facilities receiving federal or state funds; not specified for other facilities.					✓
		3 - 14 years	6	1						
Tennessee		0+ years	7	1	Does not include the provider's own children; however, if more than seven children are in care, including the provider's children, a second adult must be present. In addition if there are more than four children under 2 years old in care, another adult must be present.					✓
Texas		Registered : 18+ months	12	1	No more than six children less than 5 years old may be in care.					✓

* Not regulated

States	Required Spec.	Staff/Child Ratio as of March, 1981: Ages of Children	No. of Children	No. of Staff	Restrictions	Special Requirements: Nap Time	Handicapped Children	Other	Methods of Computing: Enroll ment	Atten dance
Texas (cont.)		0+ years	10	1	If one infant is in care, no more than five children between 1½ - 5 years may be in care.					
		0+ years	8	1	If two infants are in care no more than four children between 1½ - 5 years may be in care.					
			7	1	If three infants are in care, no more than three children between 1½ - 5 years may be in care.					
			6	1	If four infants are in care, no more than two children 1½ years and older may be in care. When only one caregiver is present, no more than four infants may be in care.					
			12	2						
		Licensed: 0+ years	6	1	No more than three infants may be in care.					
		0 - 18 months	4	1						
		0+ years	6	2						
Utah		0+ years	6	1	No more than two children under the age of 2 years may be in care.					✓
Vermont		0 - 16 months	6	1	No more than two children under 2 years may be in care unless a second adult is present					✓

States	Staff/Child Ratio Requirements					Special Requirements			Methods of Computing	
	Required by Spec.	Staff/Child Ratio as of March, 1981				Nap Time	Handicapped Children	Other	Total Enrollment	Attendance
		Ages of Children	No. of Children	No. of Staff	Restrictions					
Virgin Islands		0 - 3 years	5	1	Includes provider's own children.					✓
		0+ years	6	1	No more than three children may be under 1½ years.					
Virginia		0 - 2 years	4	1	Includes the provider's own children.					✓
		2+ years	6	1						
Washington	✓									
West Virginia		0+ years	6	1	Includes the provider's own children under 14 years. There may be two children under 2 years.					✓
Wisconsin					Ratios apply if:					
		0+ years	8	1	no more than one child is under 30 months of age.					
			6	1	no more than two children are under 30 months of age.					
			5	1	no more than three children are under 30 months of age.					
			4	1	all children in care are under 30 months of age.					

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No of Children	No of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Wisconsin (cont.)					No more than three children under 1 year of age may be in care at any one time.					
Wyoming		0+ years	6	1	There may be no more than 3 children under age 2 years.		✓			✓

APPENDIX G

STAFF-CHILD RATIO REQUIPEMENTS

SUMMARY TABLES

GROUP DAY CARE HOMES

From the Comparative Licensing Study: Profiles of State Day Care Licensing Requirements
Prepared by Lawrence Johnson and Associates, Inc.
Published November, 1982

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Alabama*										
Alaska*										
Arizona*										
Arkansas*										
California*										
Colorado*										
Connecticut	✓									✓
Delaware		0+ years	12	2	There must always be at least 2 adults involved in the supervision of the children in care.					
District of Columbia*										
Florida*										
Georgia*										
Guam		Under 1 year	5	1	In mixed age groupings, the staff/child ratio shall be that required for the youngest child in the group.					✓
		1 - 2 years	8	1						
		2 - 3 years	10	1						
		3+ years	12	1						
Hawaii*										
Idaho*										

* Not regulated

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Illinois*										
Indiana*										
Iowa*										
Kansas*										
Kentucky*										
Louisiana*										
Maine*										
Maryland*										
Massachusetts*										
Michigan		0+ years	6	1	Includes the provider's own children and any children of other staff. No more than two children under 2 years of age may be in care.					✓
Minnesota		31 months - 5 years	10	1						✓
		16 - 30 months	7	1						
			10	2	Ratio applies:					
		6 weeks -	5	1	providing that no more than					
		5 years	10	2	two infants are in care.					
		6 weeks -	4	1	providing that no more than					
		5 years	10	2	four infants are in care.					

* Not regulated

States	Staff/Child Ratio Requirements								
	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
	Not Specified	Ages of Children	No of Children	No of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Minnesota (cont.)		6 weeks - 5 years	9	2	providing that no more than six infants are in care.					
		6 weeks - 5 years	8	2	providing that no more than two school age children are in care for limited periods of time.					
Mississippi*										
Missouri										
Montana*										
Nebraska*										
Nevada		0+ years	4	1	Ratio applies when: more than four of the children are less than two years of age.					✓
		0+ years	2	1	more than two of the children are less than one year of age.					

* Not regulated

States	Staff/Child Ratio Requirements								
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
New Hampshire		0+ years	12	1	Ratio applies when; no more than three children are under 3 years. four children are under 3 years.					✓
New Jersey*										
New Mexico*										
New York*										
North Carolina *										
North Dakota *										
Ohio*										
Oklahoma*										
Oregon*										

* Not regulated

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Pennsylvania		0+ years	6	1	No more than four children under 36 months of age may be in care.					✓
		0+ years	11	1	No more than eight children under 36 months may be in care.					
Puerto Rico*										
Rhode Island*										
South Carolina		0+ years	8	1	Ratio applies when: four or more of the children are under 2 years. three or fewer children are under age 2 years.					✓
South Dakota*										
Tennessee		0+ years	12	1	Ratios do not include the provider's own children; however, if more than 12 children are in care, including the provider's own children, a second adult must be present. If any child is under 3 years of age, another adult must be present.					✓

* Not regulated

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Texas		18+ months	12	1	No more than four children may be under 4 years.					✓
		0+ years	11	1	If one infant is in care, no more than seven children under 4 years may be in care.					
			10	1	If two infants are in care, no more than seven children under 4 years may be in care.					
		0+ years	6	1	If three infants are in care, no more than five children under 4 years may be in care.					
		0 - 18 months	4	1						
			10	2						
		0+ years	12	2	If nine infants are in care, no more than three other children may be in care.					
Utah*										
Vermont		0+ years	12	1	No more than three children may be under 2 years of age.					
Virgin Islands		0+ years	12	1	Two adults must be present when the number of children exceeds six.					
Virginia*										

* Not regulated

States	Staff/Child Ratio Requirements									
	Not Specified	Staff/Child Ratio as of March, 1981				Special Requirements			Methods of Computing	
		Ages of Children	No. of Children	No. of Staff	Restrictions	Nap Time	Handicapped Children	Other	Enrollment	Attendance
Washington		0+ years	6	1	Applies when one or more children are under 2 years.					✓
		2+ years	8	1	Applies when 1 or more children are under 3 years.					
		3+ years	10	1	Whenever more than two infants are in care, a second adult is required.					
West Virginia*										
Wisconsin										
Wyoming		0 -2 years	3	1	The provider's own children are included in staff/child ratio.		✓			✓
		2+ years	11	1						

*Not regulated